



## Asamblea General

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### Consejo de Derechos Humanos

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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,  
civiles, políticos, económicos, sociales y culturales,  
incluido el derecho al desarrollo**

## **Informe anual de la Representante Especial del Secretario General sobre la violencia contra los niños\* \*\***

### *Resumen*

El tercer informe de la Representante Especial del Secretario General sobre la violencia contra los niños se presenta al Consejo de Derechos Humanos de conformidad con la resolución 65/197 del Asamblea General.

En el informe se analizan los principales acontecimientos y las iniciativas propuestas y se señalan las esferas prioritarias a las que la Representante Especial prestará especial atención a fin de agilizar los progresos en aras de la protección de los niños contra todas las formas de violencia.

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\* Documento presentado con retraso.

\*\* El anexo del presente informe se distribuye tal como se recibió, en el idioma en que se presentó únicamente.

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## **I. Mandato y prioridades estratégicas<sup>1</sup>**

1. La Representante Especial del Secretario General sobre la Violencia contra los Niños es una destacada defensora de la prevención y eliminación de todas las formas de violencia contra los niños con una perspectiva global e independiente, así como una mediadora y catalizadora para las iniciativas emprendidas en cualquier región, sector y entorno en que pueda manifestarse la violencia contra los niños. Su mandato se enmarca en el Estudio sobre la violencia contra los niños realizado por las Naciones Unidas y en sus recomendaciones estratégicas (A/61/299) y consiste en promover la protección de los niños contra la violencia como una tarea imperativa en la esfera de los derechos humanos.

2. La Representante Especial aplica estrategias que se apoyan mutuamente, como la promoción de las actividades de protección de los niños contra la violencia; la contribución a las consultas internacionales, regionales y nacionales destinadas a acelerar los progresos, identificar las buenas prácticas y fomentar un fecundo intercambio de experiencias a ese respecto; la organización de misiones sobre el terreno; y la elaboración de estudios e informes temáticos.

3. El objetivo general del mandato de la Representante Especial es agilizar los progresos en la aplicación de las recomendaciones formuladas en el Estudio. Dada su particular urgencia, tres de esas recomendaciones incluyen plazos definidos. La Representante Especial también asigna atención prioritaria a esas esferas, a saber:

a) La elaboración, en cada Estado, de una estrategia nacional amplia para prevenir todas las formas de violencia y responder a ellas;

b) El establecimiento de una prohibición legal explícita de todas las formas de violencia contra los niños en cualquier entorno; y

c) La creación de un sistema nacional de reunión, análisis y difusión de datos y un programa de investigación sobre la violencia contra los niños.

4. La Representante Especial ha promovido estas prioridades mediante un proceso de colaboración regional con organizaciones intergubernamentales y agrupaciones políticas, celebración de consultas de expertos sobre las dimensiones estratégicas de los programas para hacer frente a la violencia contra los niños, elaboración de informes temáticos en apoyo de las actividades de defensa, las políticas y la reforma legislativa<sup>2</sup>, y organización de más de 50 misiones en todas las regiones.

## **II. Consolidación de los progresos en relación con el programa estratégico para la aplicación del Estudio de las Naciones Unidas**

5. Durante el primer año del mandato de la Representante Especial se prestó particular atención a la revitalización de las redes que participaron en la elaboración del Estudio, la promoción de nuevas alianzas y la consolidación de las asociaciones estratégicas, y la institucionalización de los procesos y las estructuras de gobernanza regionales en la esfera

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<sup>1</sup> La Representante Especial asumió su cargo el 1 de septiembre de 2009. Una explicación más completa de su nombramiento y mandato figura en el documento A/HRC/13/46 de 2 de febrero de 2010.

<sup>2</sup> Véase el informe temático sobre los mecanismos de orientación, denuncia y notificación adaptados a los niños presentado al Consejo de Derechos Humanos (A/HRC/16/56).

de la violencia contra los niños. Esos esfuerzos han sido decisivos para la promoción de la incorporación de la eliminación de la violencia contra los niños en la corriente principal del marco normativo internacional, regional y nacional.

6. El segundo año del mandato representó un período clave para obtener un apoyo decidido a fin de enfrentar los desafíos persistentes y acelerar los progresos a nivel global para el logro de un mundo libre de violencia. Con ese propósito, la Representante Especial promovió la celebración de consultas regionales en el Asia meridional, América del Sur, Europa Central y Oriental, Centroamérica y la Liga de los Estados Árabes y organizó tres consultas de expertos sobre temas de importancia crítica, a saber, los mecanismos para abordar los casos de violencia, la reforma legislativa a fin de garantizar la protección de los niños contra todas las formas de violencia, y la prevención y eliminación de la violencia contra los niños en las escuelas. Las principales conclusiones y recomendaciones de las dos últimas de esas consultas se analizan a continuación. A principios de 2012 se celebrará una consulta de expertos sobre la protección de los niños contra la violencia en el sistema de justicia.

7. Como parte de su estrategia de defensa y comunicaciones, la Representante Especial creó un sitio web<sup>3</sup> con miras a difundir información sobre los acontecimientos relacionados con la protección de los niños contra la violencia. Ese sitio también sirve de plataforma para propiciar los contactos entre los principales asociados e incluye herramientas de comunicación social y un Rincón Infantil con materiales adaptados a los niños.

8. En el marco general de su programa prioritario consistente en promover los progresos en la formulación de estrategias nacionales integradas sobre la violencia contra los niños, aumentar la protección legal de los niños contra todas las formas de violencia y reforzar la reunión de datos y la investigación sobre la violencia contra los niños, en 2011 la Representante Especial hizo particular hincapié en la promoción de las siguientes iniciativas estratégicas:

a) Fomentar la ratificación universal de los Protocolos facultativos de la Convención, especialmente para garantizar la protección de los niños contra la venta de niños, la prostitución infantil y la utilización de niños en la pornografía;

b) Ampliar las actividades de sensibilización y promoción destinadas a prevenir y eliminar la violencia contra los niños en las escuelas y en las instituciones del sistema de justicia;

c) Realizar una encuesta mundial a fin de evaluar los progresos alcanzados en la prevención y eliminación de todas las formas de violencia contra los niños; y

d) Fortalecer la institucionalización de los procesos y estructuras de gobernanza regionales en apoyo de los esfuerzos nacionales para prevenir y eliminar la violencia contra los niños.

9. Dentro del sistema de las Naciones Unidas, la base normativa de la protección de los niños contra la violencia se vio reforzada gracias a la aprobación por la Asamblea General del tercer Protocolo facultativo de la Convención sobre los Derechos del Niño relativo a un procedimiento de comunicaciones, así como al nuevo Convenio de la Organización Internacional del Trabajo (OIT) relativo al trabajo decente para los trabajadores domésticos. Otras contribuciones clave han sido el debate en el Consejo de Derechos Humanos sobre los derechos de los niños que trabajan o viven en la calle y la Observación general sobre el derecho de los niños a la protección contra todas las formas de violencia aprobada por el Comité de los Derechos del Niño.

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<sup>3</sup> Puede consultarse en <http://srsg.violenceagainstchildren.org>.

10. A nivel regional se han asumido fuertes compromisos políticos y se han establecido estructuras de gobernanza en apoyo del seguimiento de las recomendaciones formuladas en el Estudio. En algunos casos se cuenta con una hoja de ruta y un mecanismo de supervisión a fin de identificar los cambios, difundir las buenas prácticas y galvanizar los esfuerzos nacionales.

11. Estos acontecimientos han sido fundamentales para apoyar a los Estados en los esfuerzos de aplicación que realizan a nivel nacional con miras a reforzar la protección de los niños contra la violencia, en particular en las tres esferas prioritarias señaladas en el mandato de la Representante Especial.

#### **A. Promoción de estrategias nacionales integradas para prevenir y eliminar todas las formas de violencia contra los niños**

12. En todas las regiones los países se han propuesto desarrollar estrategias nacionales integradas para prevenir y eliminar todas las formas de violencia contra los niños, ya sea mediante iniciativas amplias de protección del niño o planes nacionales específicos para erradicar la violencia, en algunos casos centrados en objetivos concretos.

13. Se han realizado esfuerzos importantes con miras a apoyar la aplicación en el plano nacional, cuya prioridad ha sido reconocida por organizaciones regionales y asociaciones políticas. Las iniciativas regionales han dado lugar a un fructífero intercambio de experiencias nacionales y a la formulación de estrategias nacionales en el marco de los programas regionales acordados. En algunos casos se han celebrado consultas regionales a este respecto, como la reunión del Consejo de Europa para los Estados de Europa Central y Oriental, celebrada en Kyiv, sobre el tema "Combatir la violencia contra los niños: de la acción aislada a las estrategias integradas".

14. Los valiosos estudios regionales y los esquemas analíticos realizados durante el año pasado por la Liga de los Estados Árabes, la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños, el Consejo de Europa, la Comisión Permanente de la Iniciativa Niñ@Sur del MERCOSUR y los Estados centroamericanos contribuyeron a documentar los acontecimientos nacionales y la experiencia adquirida. En esos estudios se formularon recomendaciones a fin de orientar la aplicación de enfoques multidisciplinarios centrados en el niño y fortalecer la eficacia de los mecanismos de coordinación.

15. En todas las regiones las recomendaciones pusieron de relieve en particular la necesidad de:

- Desarrollar una estrategia nacional amplia basada en un enfoque integrado e integral para la prevención y eliminación de la violencia y en una perspectiva interdisciplinaria e interactiva con objetivos específicos; incorporar esa estrategia como elemento esencial de la labor de todos los departamentos y autoridades nacionales y locales y como componente prioritario del programa político nacional;
- Lograr una coordinación efectiva a cargo de una entidad de alto nivel con la autoridad, influencia y capacidad para dirigir la formulación, aplicación y evaluación de la estrategia nacional y proporcionar la orientación necesaria a todos sus agentes, incluidos los funcionarios oficiales y los profesionales, así como los propios niños;
- Definir claramente las funciones y responsabilidades de todos los departamentos e instituciones pertinentes en la esfera de la violencia contra los niños, tarea indispensable a fin de evitar toda duplicación y falta de coordinación y promover las sinergias entre esas entidades, y prestar capacitación a los profesionales pertinentes

en la prevención, la identificación, la evaluación centrada en los niños y sensible a éstos y la denuncia de los casos de violencia contra los niños;

- Prever presupuestos específicos y suficientes para la aplicación, en particular mediante la transferencia de recursos financieros del nivel nacional a las administraciones locales en consonancia con las responsabilidades asignadas, como medio de garantizar la protección efectiva de los niños en todas las regiones del país;
- Determinar claramente el plazo en que deberá llevarse a cabo la estrategia con miras a poner en marcha las actividades y seguir de cerca los progresos realizados mediante la preparación de informes periódicos públicos; y
- Recabar la participación activa de los interesados estratégicos, incluidos los sectores académicos, la sociedad civil y las organizaciones dirigidas por niños a fin de agilizar el proceso de aplicación eficaz.

#### **Las voces de los niños**

Los niños y los adolescentes han sido agentes fundamentales en la formulación de las políticas. Así lo demuestra la consulta que protagonizaron en abril de 2011 en el Paraguay, en la que declararon: "Si no somos capaces de encontrar respuestas a nuestros difíciles problemas, no podemos esperar que otros lo hagan por nosotros. Es importante que participemos en consultas y demos a conocer nuestras opiniones sobre la situación de la protección de los niños, adolescentes y jóvenes, especialmente a nivel de la comunidad".

## **B. Fortalecimiento de la protección legal de los niños contra todas las formas de violencia**

16. La legislación destinada a prohibir todas las formas de violencia es un componente clave de las estrategias nacionales sobre la violencia contra los niños y constituye una esfera en que los progresos van cobrando cada vez más impulso. Con miras a extraer experiencias provechosas de las reformas legislativas y contribuir a su avance, en julio de 2011 la Representante Especial organizó en Ginebra una consulta de expertos sobre reforma legislativa juntamente con la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH), la Unión Interparlamentaria (UIP) y el Consejo Consultivo de las organizaciones no gubernamentales (ONG) para el seguimiento del estudio de las Naciones Unidas sobre la violencia contra los niños y en los próximos meses publicará un informe temático sobre este tema. Las conclusiones y recomendaciones de la consulta se resumen a continuación.

17. Al término del Estudio realizado por las Naciones Unidas, 16 países contaban con leyes destinadas a prohibir la violencia física en cualquier entorno. Actualmente más de 30 países han instituido una prohibición legal amplia de la violencia contra los niños, a veces en el marco de la propia Constitución. Además, muchos países han aprobado legislación sobre formas específicas de violencia contra los niños, incluidos el abuso y la explotación sexuales, el castigo corporal, la intimidación, la trata y las prácticas tradicionales dañinas.

18. En algunos países, los tribunales han contribuido a establecer el derecho del niño a que se respete su integridad física y a vivir libre de violencia, en particular en el hogar. El Tribunal Supremo de Bangladesh manifestó recientemente su convicción de que a la luz de

la Convención debe prohibirse el castigo corporal de los niños en todos los entornos, incluidos los establecimientos escolares, hogares y lugares de trabajo<sup>4</sup>.

19. En los últimos dos años, también han hecho suyo este objetivo el Consejo de Europa, la Liga de los Estados Árabes, el MERCOSUR, la Organización de Cooperación Islámica y la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños. Además, el Comité africano de expertos sobre los derechos y el bienestar del niño, el Comité de los Derechos del Niño y la Comisión Interamericana de Derechos Humanos han prestado su firme apoyo a la prohibición plena de la violencia contra los niños, junto con defensores de los niños, parlamentarios, dirigentes religiosos e incontables ONG y grupos profesionales de todo el mundo.

20. Pese a estos importantes acontecimientos aún queda mucho por hacer. Es necesario intensificar los esfuerzos para establecer una prohibición legal amplia, habida cuenta de que sólo alrededor del 5% de los niños del mundo cuenta con protección legal contra todas las formas de violencia. Además, deben adoptarse medidas eficaces para minimizar la brecha entre la ley y la práctica. La aplicación de la ley sigue siendo un desafío, especialmente cuando la ley prohíbe prácticas que están profundamente arraigadas en la sociedad. Como se puso de relieve en la consulta de expertos, cuando se formulen disposiciones legislativas sobre la violencia contra los niños es preciso tener en cuenta las dimensiones mencionadas en los párrafos que siguen.

21. En primer lugar, como componente esencial de un sólido sistema nacional de protección del niño, la legislación debe estar apuntalada por servicios e instituciones bien coordinados y provistos de recursos y debe basarse en un enfoque integral a fin de abordar las causas de fondo y promover las inversiones en medidas de prevención de la violencia. El establecimiento, por ley, de mecanismos accesibles, seguros y adaptados a los niños para la prestación de asesoramiento y la presentación de informes y denuncias en casos de violencia es una dimensión capital de este proceso.

22. En segundo lugar, la reforma legislativa es un proceso permanente y a largo plazo que no puede limitarse a acciones aisladas o fragmentarias. Requiere esfuerzos constantes para garantizar la armonización con las normas internacionales y llevar a la práctica los compromisos políticos emprendidos en esta esfera, para identificar y llenar las lagunas de aplicación y para hacer frente a desafíos emergentes, como los derivados de la utilización de nuevas tecnologías o de la situación de los niños itinerantes.

23. En tercer lugar, la legislación de protección de los niños contra la violencia es de naturaleza compleja y de amplio alcance. Se requiere una prohibición legal amplia y explícita a fin de transmitir de forma inequívoca el mensaje de que es imperativo salvaguardar el derecho de los niños a vivir libres de violencia, en todas partes y en todo momento. Gracias a la reforma constitucional o a la introducción de nuevas disposiciones en el código de familia y el código penal, así como en la legislación relativa a la protección del niño y a la violencia doméstica, este proceso está ganando terreno en un creciente número de Estados.

24. Una prohibición legal general de la violencia debe reforzarse y complementarse con disposiciones detalladas en leyes específicas, tanto para combatir los distintos tipos de violencia, como el abuso y la explotación sexuales, la intimidación, la trata, el castigo corporal o las prácticas tradicionales dañinas, como para hacer frente a la violencia en diferentes entornos, como escuelas, instituciones de acogida y establecimientos

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<sup>4</sup> *Bangladesh Legal Aid and Services Trust and others vs Bangladesh and others* [Corporal Punishment Case], Writ Petition No. 5684 of 2010, Judgment of 13 January 2011, pág. 31, accessible en [www.blast.org.bd/judgements](http://www.blast.org.bd/judgements)



penitenciarios, comunidades y hogares. Es fundamental formular leyes y reglamentaciones en todas las esferas conexas a fin de dar un significado pleno a la prohibición, establecer procedimientos de denuncia, remisión e investigación, garantizar la protección de las víctimas y los testigos, imponer sanciones eficaces a los responsables y combatir la impunidad. En aras de esos objetivos, estos dos enfoques, el amplio y el específico, son indispensables y de hecho se refuerzan mutuamente.

25. En cuarto lugar, las reformas legislativas no son pertinentes únicamente para los expertos jurídicos. Han resultado particularmente eficaces cuando se han promovido en el marco de un proceso participativo con la intervención de los principales interesados, incluidos departamentos gubernamentales, parlamentarios, instituciones independientes de defensa de los derechos del niño y agentes decisivos de la sociedad civil como los grupos profesionales, las comunidades religiosas, las ONG y los propios jóvenes. Con un enfoque de amplio alcance, la legislación sienta las bases para una cultura de respeto a los derechos de los niños y puede desencadenar un proceso de cambio duradero de las actitudes y los comportamientos tendiente a superar los tabúes sociales y a erradicar la aceptación social de la violencia contra los niños.

26. De modo similar, la aplicación de la ley ha sido más eficaz cuando los procesos legislativos se han complementado con iniciativas de movilización social y campañas de sensibilización (dirigidas tanto al público en general como a los niños y sus familias en particular) y se han apoyado en la formulación de normas éticas, actividades de fortalecimiento de la capacidad y orientación concreta por parte de profesionales e instituciones dedicados a la defensa de los niños. Teniendo esto presente, las iniciativas de reforma legislativa deberían incluir un plan de aplicación claro con una estimación de los gastos y una previsión de los recursos necesarios para sufragarlos.

### **C. Consolidación de datos e investigaciones sobre la violencia contra los niños**

27. La disponibilidad de datos e investigaciones fiables son la base de la planificación nacional, la adopción eficaz de políticas y la asignación adecuada de los recursos para prevenir la violencia y proteger a los niños. Cuando disponen de buena información empírica, los gobiernos están en condiciones de adoptar decisiones correctas en el momento apropiado. Lamentablemente, persisten muchos desafíos. Por cierto, la información sobre la violencia contra los niños sigue siendo escasa y fragmentaria, lo que a su vez limita las oportunidades de reforzar la protección de los niños y de invertir en la prevención de la violencia.

28. Es por ello que la consolidación de las investigaciones y los sistemas nacionales de datos constituye una de las prioridades del mandato. La Representante Especial organizará, junto con el Gobierno de Suecia, una consulta de expertos sobre este tema. La consulta, que se celebrará en mayo de 2012, proporcionará una plataforma estratégica para aprovechar y consolidar la experiencia de importantes iniciativas promovidas por asociados estratégicos como gobiernos nacionales, organismos de las Naciones Unidas, organizaciones internacionales y regionales, académicos, instituciones independientes de defensa de los derechos de los niños y organizaciones de la sociedad civil.

29. La reunión tendrá por objeto vincular los esfuerzos de las oficinas de estadística, las instituciones de investigación y los departamentos gubernamentales encargados de los niños y las cuestiones relativas a la violencia, afinar las herramientas y metodologías a fin de llenar las lagunas de conocimientos y promover las actividades de defensa, las políticas y la movilización de recursos sobre una base empírica. La consulta proporcionará un foro

para reflexionar sobre los enfoques éticos a fin de tener en cuenta la experiencia y las percepciones de los niños sobre la violencia a la hora de realizar estudios e investigaciones.

30. La promoción de un número cada vez mayor de iniciativas en todo el mundo ofrecería nuevas oportunidades de poner fin a la invisibilidad de la violencia y movilizar actividades y recursos para su prevención y eliminación. Los estudios nacionales sobre la violencia contra los niños realizados en los últimos años constituyen una referencia importante a este respecto, especialmente —como ocurrió, por ejemplo, en la República Unida de Tanzania<sup>5</sup> y en los Estados Unidos de América<sup>6</sup>— cuando esos estudios se han basado en un gran número de entrevistas de niños y jóvenes. En ambos casos, los estudios proporcionaron una visión amplia, fiable y franca de la prevalencia de la violencia física, psicológica y sexual contra los niños, que revelaba el carácter invasivo de esa violencia, así como el hecho de que a menudo era ejercida por personas cercanas a los niños en las que éstos depositaban su confianza, en ámbitos como la comunidad, la escuela y el hogar. En ambos casos también se reconoció que los niños estaban expuestos a formas de violencia diferentes y superpuestas y que el trauma y la aflicción resultantes tenían secuelas graves y duraderas.

31. El estudio de Tanzania fue fundamental para determinar en qué grado los niños afectados por la violencia utilizaban los servicios sociales, sanitarios y judiciales. Habida cuenta de que fue la labor de un equipo de tareas multisectorial, el estudio contribuyó a mostrar la naturaleza pluridimensional de la violencia y la importancia de definir, sobre la base de una buena coordinación y el apoyo mutuo, las funciones que han de desempeñar los departamentos gubernamentales y las organizaciones de la sociedad civil en aras de prevenir y combatir la violencia.

32. En el estudio de los Estados Unidos se analizó una amplia gama de situaciones en que los niños estaban expuestos a la violencia, desde sufrir agresión física, victimización sexual y malos tratos hasta ser testigos de violencia en el marco de la familia y la comunidad y soportar intimidación, abusos a través de Internet y violencia en citas de pareja. Además, se analizaron los efectos acumulativos de la exposición de los niños a las diversas formas de violencia durante un período prolongado, así como en los distintos grupos de edad. Gracias a su amplio alcance y a la promoción de un enfoque integral que no se limitó a determinados tipos de violencia y abarcó diferentes disciplinas y servicios, se espera que los resultados del estudio proporcionen a los profesionales interesados herramientas óptimas para prevenir la violencia y ayuden a los niños víctimas a superar las consecuencias de ese fenómeno.

33. Uno de los resultados de ambos estudios fue la identificación de nuevas lagunas de conocimientos, lo que redundó en un compromiso de promover otras investigaciones complementarias: en el caso de Tanzania para analizar la situación de grupos de niños especialmente vulnerables que no se habían incluido en el primer estudio, y en el caso de los Estados Unidos para evaluar las repercusiones a largo plazo de la violencia en la salud y el bienestar de los niños y adultos.

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<sup>5</sup> El estudio de Tanzania estuvo a cargo de un equipo de tareas nacional e intersectorial presidido por el Ministerio de Desarrollo Comunitario, Género e Infancia en cooperación con la Universidad de Muhimbili, el Centre of Disease Control and Prevention (CDC) y el Fondo de las Naciones Unidas para la Infancia (UNICEF). Véase [http://www.unicef.org/media/files/VIOLENCE\\_AGAINST\\_CHILDREN\\_IN\\_TANZANIA\\_REPORT.pdf](http://www.unicef.org/media/files/VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA_REPORT.pdf).

<sup>6</sup> El estudio nacional sobre la exposición de los niños a la violencia realizado en los Estados Unidos contó con el patrocinio de la Oficina de Justicia de Menores y Prevención de la Delincuencia y el CDC. Puede consultarse en <http://www.safestartcenter.org/pdf/childrens-exposure-to-violence.pdf>.

34. Las conclusiones del estudio de Tanzania han sentado las bases para el inicio de una fase de aplicación mediante la puesta en marcha por el Gobierno de una respuesta coordinada a fin de abordar los problemas señalados en el estudio. Están en curso importantes esfuerzos destinados a aumentar la sensibilización y movilizar el apoyo del público con miras a eliminar la aceptación social de ese fenómeno y la presión social que inhibe a los niños víctimas de presentar una denuncia.

35. Muchos otros países han dado señales alentadoras de que tienen previsto realizar esa clase de estudio nacional amplio sobre la violencia contra los niños.

### **III. Promoción de iniciativas estratégicas en apoyo de la prevención y eliminación de la violencia**

#### **A. Progresos realizados para lograr la ratificación universal de los Protocolos facultativos de la Convención sobre los Derechos del Niño**

36. La campaña mundial en aras de la ratificación universal de los Protocolos facultativos, lanzada en 2010 juntamente con el Secretario General, proporciona un marco básico para consolidar la asociación institucional con aliados estratégicos dentro del sistema de las Naciones Unidas, incluidos la Representante Especial para la cuestión de los niños y los conflictos armados, el Fondo de las Naciones Unidas para la Infancia (UNICEF), la Oficina del ACNUDH, el Comité de los Derechos del Niño y la Relatora Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía. La campaña también tuvo como resultado la colaboración con la OIT y la Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC).

37. A la luz de su mandato, la Representante Especial hace particular hincapié en el logro de la adhesión universal al Protocolo facultativo sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía y se propone llevar a cabo ese objetivo mediante actividades de promoción a nivel global, acuerdos regionales y misiones sobre el terreno.

38. Se han alcanzado progresos considerables. La meta de ratificación universal se incorporó en el programa de políticas de las Naciones Unidas, incluidos el Plan de Acción Mundial de las Naciones Unidas para combatir la trata de personas<sup>7</sup> y la Hoja de ruta aprobada por la Conferencia Mundial sobre Trabajo Infantil de La Haya<sup>8</sup>. También se declararon comprometidos con la ratificación y aplicación del Protocolo organizaciones regionales y asociaciones políticas como la Organización de Cooperación Islámica, la Liga de los Estados Árabes, el MERCOSUR, la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños y los Estados de la región de Asia y el Pacífico. El Consejo de Europa lanzó una amplia campaña de información para combatir la violencia sexual contra los niños, uno de cuyos componentes fundamentales es la ratificación del Protocolo facultativo.

39. Desde el inicio de la campaña, 14 Estados han ratificado el Protocolo facultativo, a saber: Arabia Saudita, Côte d'Ivoire, Djibouti, Guinea, Guinea-Bissau, Guyana, Jamaica,

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<sup>7</sup> Aprobado por la Asamblea General en su resolución 64/293; véase en particular el párrafo 4 del Plan de Acción Mundial.

<sup>8</sup> Hoja de ruta para lograr la eliminación de las peores formas de trabajo infantil para 2016, aprobada el 11 de mayo de 2010.

Luxemburgo, Malta, Mauricio, Nueva Zelandia, Nigeria, Pakistán y San Marino. La República Centroafricana y Santa Lucía han firmado el Protocolo.

40. A fin de acelerar los progresos, en mayo de 2011, con ocasión del primer aniversario del lanzamiento de la campaña, la Representante Especial, en colaboración con asociados estratégicos, celebró en Nueva York un acto relacionado con el tratado y apoyó una actividad regional patrocinada por la Unión Africana junto con la Comisión Económica para África de las Naciones Unidas (CEPA), el UNICEF y la Oficina del ACNUDH en Addis Abeba. En la Reunión de Jefes de Gobierno del Commonwealth, celebrada en Australia en octubre de 2011 se hizo un llamamiento a los miembros a que pasaran a ser parte en todos los principales instrumentos de derechos humanos. En esa y otras reuniones de alto nivel, la campaña suscitó un fuerte apoyo por parte de los gobiernos, los organismos de las Naciones Unidas, parlamentarios, defensores de los niños, organizaciones religiosas y organizaciones de la sociedad civil.

41. Al menos 21 Estados se han comprometido formalmente a ratificar el Protocolo facultativo, en particular en el marco del examen periódico universal del Consejo de Derechos Humanos y ante el Comité de los Derechos del Niño o los titulares de mandatos de derechos humanos. De los Estados que aún no son parte en el Protocolo, el 50% ha ratificado el Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños (Protocolo de Palermo) y el 75% ha ratificado el Convenio N° 182 de la OIT sobre las peores formas de trabajo infantil, que aborda problemas análogos.

## **B. Realización de una encuesta mundial para evaluar los progresos alcanzados en la prevención y eliminación de todas las formas de violencia contra los niños**

42. En 2011 la Representante Especial cumplió la mitad de su mandato y habían transcurrido cinco años desde que la Asamblea General realizó su examen del Estudio, hitos que representaron una ocasión estratégica para considerar en perspectiva los progresos logrados, redoblar los esfuerzos para superar los desafíos y generar nuevas energías con el fin de proteger a los niños contra la violencia. Por esta razón, la Representante Especial lanzó una encuesta mundial destinada a identificar y evaluar los progresos alcanzados en la aplicación de las recomendaciones incluidas en el Estudio de las Naciones Unidas. La encuesta se realizó en estrecha colaboración con una amplia gama de asociados, incluidos gobiernos, organismos de las Naciones Unidas, organizaciones e instituciones regionales y organizaciones de la sociedad civil.

43. Los niños y los jóvenes también son importantes asociados en este proceso, tal como lo fueron para la elaboración y seguimiento del Estudio. Con miras a recabar sus opiniones y recomendaciones y aprovechar su participación activa en consultas y estructuras de gobernanza regionales, la Representante Especial promovió, en estrecha colaboración con los asociados de la sociedad civil, la elaboración de una versión de la encuesta adaptada a los niños que sirviera de marco a los debates con los jóvenes de las distintas regiones.

44. La encuesta mundial aprovecha asimismo los importantes estudios analíticos realizados a nivel regional por la Liga de los Estados Árabes, la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños, el MERCOSUR y los países centroamericanos, entre otros. Se basa asimismo en los procesos de supervisión de las Naciones Unidas e internacionales, incluidos el examen periódico universal del Consejo de Derechos Humanos, los informes presentados al Comité de los Derechos del Niño y a otros órganos creados en virtud de tratados y el seguimiento de los Congresos Mundiales contra la Explotación Sexual Comercial de los Niños y Adolescentes y la Hoja de ruta para lograr

la eliminación de las peores formas de trabajo infantil para 2016, aprobada por la Conferencia Mundial sobre Trabajo Infantil de La Haya en 2010.

45. Los aportes a la encuesta se incorporarán en el informe analítico que presentará la Representante Especial a la Asamblea General en 2012. Ese informe incluirá un examen de su mandato y la formulación de una estrategia orientada hacia el futuro con miras a acelerar los progresos y proporcionar un nuevo impulso a los esfuerzos nacionales, regionales e internacionales.

## **C. Ampliación de las actividades de sensibilización y promoción destinadas a prevenir y eliminar la violencia contra los niños en las escuelas y en las instituciones del sistema de justicia**

### **1. Prevención y eliminación de la violencia contra los niños en las escuelas**

46. La educación tiene un potencial especial para generar un entorno conducente a la modificación de las actitudes tolerantes de la violencia y al aprendizaje de conductas no violentas. Las escuelas son un medio propicio para romper las pautas de violencia e impartir aptitudes de comunicación, negociación y promoción de soluciones pacíficas. Sin embargo, ese potencial contrasta notoriamente con la realidad cotidiana de millones de niños. Al interior y en las inmediaciones de los establecimientos educativos, las niñas y niños siguen estando expuestos a la violencia, incluidos el abuso verbal, la intimidación, la agresión física y en algunos casos el abuso sexual. A veces también son víctimas de actos de violencia y agresión por parte de pandillas.

47. Reconociendo la importancia crucial de la educación para la protección de los derechos de los niños y de las escuelas libres de violencia como catalizadoras de la no violencia en las comunidades a las que prestan servicios, la Representante Especial, en cooperación con el Gobierno de Noruega y el Consejo de Europa, organizó en Oslo, en junio de 2011, una consulta de expertos con la participación de encargados de la formulación de políticas, especialistas en educación y derechos del niño, organizaciones de la sociedad civil y académicos de distintas regiones del mundo, así como organismos de las Naciones Unidas. Las lecciones y recomendaciones emanadas de la reunión se abordarán en el informe que publicará próximamente la Representante Especial, titulado *Tackling violence in schools: a global perspective*.

48. En la consulta se destacó la importancia de la prevención y eliminación de la violencia en las escuelas mediante la aplicación de una estrategia multidimensional en la que se tomen particularmente en cuenta las dimensiones prioritarias mencionadas a continuación.

#### *Promoción de estrategias integrales, participativas y centradas en el niño*

49. Las escuelas forman parte inherente de las comunidades en las que se encuentran; la violencia en la escuela refleja las actitudes sociales que toleran la violencia, así como el entorno exterior a la escuela, incluidos los disturbios sociales, la disponibilidad de armas y las actividades de pandillas delictivas. Por tanto, los esfuerzos por poner fin a la violencia en la escuela deben centrarse no sólo en el logro de un entorno seguro y adaptado a los niños dentro de los establecimientos educativos, sino también en formas de abordar el problema cultural de aceptación de la violencia contra los niños, y deben prever inversiones en actividades de prevención de la violencia e iniciativas positivas en materia de disciplina dirigidas a las familias y a la comunidad en su conjunto.

50. Las escuelas suelen ser más eficaces en su lucha contra la violencia especialmente cuando dejan de lado el enfoque estrictamente sectorial y adoptan estrategias integrales,

participativas y adaptadas a los niños. Esas estrategias fomentan la participación de las familias en la vida escolar y de los niños como sujetos y agentes del cambio que inciden en la formulación de las decisiones al aportar sus perspectivas y su experiencia. Además, esas estrategias ayudan a funcionar de manera polifacética, pues incluyen inversiones para la formación del personal docente y administrativo de las escuelas, la preparación de los programas académicos, la administración institucional, la formulación de políticas, las asignaciones presupuestarias y la promulgación de una legislación sólida que garantice la protección de los niños contra la violencia.

51. La ética de la escuela integral fue un aspecto manifiesto del intercambio de experiencias en la reunión de Oslo, incluidas las iniciativas destinadas a prevenir la intimidación en las escuelas. El éxito de estas iniciativas se ha vinculado estrechamente con el compromiso de los maestros, el personal y los alumnos, así como de los padres y los miembros de la comunidad. La disminución del número de incidentes de intimidación también ha dependido de una combinación estratégica de factores, a saber:

- La voluntad sincera de hacer frente a este fenómeno mediante la adopción formal y la difusión amplia de reglas para prohibir la intimidación y su lanzamiento en el marco de un acto oficial de la escuela;
- La creación de un sistema de gobernanza con la participación de todos los interesados;
- El establecimiento de un sistema de supervisión que permita examinar periódicamente los incidentes y asuntos problemáticos; y
- La difusión de mensajes contra la intimidación dirigidos a la comunidad en general.

Las lecciones extraídas de los programas de lucha contra la intimidación proporcionan una referencia fundamental para abordar otras formas de violencia en las escuelas.

#### *Asociaciones con los niños*

52. Las intervenciones a nivel de toda la escuela y de todo el sistema fomentan el cambio de las actitudes y las normas sociales que toleran la violencia, incluso cuando ésta se emplea como medio disciplinario. Además, dado que ayudan a promover una cultura de la tolerancia, el respeto y la no violencia, de hecho previenen la violencia, contribuyen a reducir el ausentismo y el abandono escolar, así como a mejorar el rendimiento académico y las aptitudes sociales y el bienestar de los niños. Es fundamental formar asociaciones con los niños, pues ello ayuda a combatir la invisibilidad de la violencia, comprender las percepciones de los niños, darles los medios para estar en la primera línea de la prevención y aumentar la eficacia general de los esfuerzos desplegados para eliminar la violencia en sus diversas formas. Para apoyar estas acciones, es esencial promover un entorno escolar sensible a las necesidades de los niños y programas adecuados, centrando la atención en las aptitudes para la vida y la formación en materia de derechos humanos, e impartir los valores de igualdad social, tolerancia de la diversidad y la solución de conflictos por medios no violentos.

53. Esos esfuerzos han de redoblar cuando van dirigidos a grupos de niños vulnerables, incluidas las niñas, niños con discapacidad, niños pertenecientes a minorías o grupos indígenas, o niños afectados por el VIH. Estos grupos de niños deben afrontar retos especiales para acceder a la enseñanza y permanecer escolarizados. Sufren un mayor riesgo de ser víctimas de violencia o de que no se les haga caso cuando piden consejo o denuncian incidentes violentos. En consecuencia, pueden desistir de hacer tales denuncias por temor a llamar la atención.

*Apoyo a los maestros y al personal escolar proporcionándoles las aptitudes y los recursos necesarios*

54. Los maestros y el personal escolar son agentes decisivos en la prevención de la violencia y en la forma de hacerle frente. Es esencial proporcionarles las aptitudes, el apoyo y los recursos necesarios. Es conveniente capacitar al personal para que aplique métodos disciplinarios constructivos en la escuela, recabe la colaboración de los alumnos en la prevención de la violencia, sirva de modelo positivo, aprenda técnicas de mediación y solución pacífica de controversias y promueva los mecanismos de seguridad en la escuela, como códigos de conducta y modalidades de denuncia adaptadas al entorno escolar. Es también importante proporcionar orientación clara sobre la forma de abordar los incidentes violentos, la denuncia obligatoria y la asistencia a los niños víctimas. Las medidas de esta índole son vitales para que sea posible identificar con la debida antelación las señales de violencia en la escuela, ayudar a los niños especialmente vulnerables y prestar apoyo oportuno y eficaz de forma ética y sensible a la situación del niño.

*Consolidación de datos e investigaciones sobre la violencia en las escuelas*

55. Pese a que la información estadística sobre la violencia en la educación es escasa y fragmentaria, los datos disponibles revelan la enorme magnitud y las consecuencias duraderas de este fenómeno tanto para los niños y sus familias como para el sistema educativo en su conjunto. Las encuestas realizadas en varios países confirman este patrón y en algunos casos han contribuido a denunciar formas emergentes de violencia, incluidas nuevas formas de abuso sexual en las escuelas conocidas como "sexo por notas".

56. Sigue siendo urgente realizar esfuerzos, en particular para revelar la cara encubierta de la violencia y atacar sus causas profundas; comprender las percepciones y actitudes, especialmente entre las niñas y niños de distintas edades y medios sociales; ayudar a identificar a los niños que enfrentan mayores riesgos y prestarles apoyo eficaz; y evaluar el costo económico de la violencia y los beneficios sociales que podrían lograrse como resultado de la inversión en medidas de prevención.

*Garantizar la protección legal de los niños contra la violencia en las escuelas*

57. La eficacia de las medidas encaminadas a desalentar y eliminar la violencia en las escuelas se ve considerablemente menoscabada si no se cuenta con un marco legal que las sostenga. Como se señala en otras partes del presente informe, la existencia de leyes claras e inequívocas que prohíban todas las formas de violencia y ofrezcan protección a los niños contra tales actos, en particular dentro de la escuela, es una dimensión clave de toda estrategia amplia para combatir la violencia contra los niños.

58. En la mayoría de los países, la violencia en las escuelas, en particular los malos tratos y las golpizas a niños, se considera ilegal y se castiga con medidas disciplinarias. Cuando ocurren formas de violencia aún más graves, como el abuso o el acoso sexual, ello puede dar lugar al despido y enjuiciamiento de las personas declaradas responsables. En años recientes ha seguido aumentando el número de Estados que han promulgado legislación para prevenir la intimidación, el castigo corporal y el acoso mental de los niños en el sistema escolar. Sin embargo, la prohibición legal de la violencia contra los niños en las escuelas todavía no es una realidad en 80 países del mundo. Y, en general, la gran brecha entre la legislación y la práctica imperante sigue siendo un problema generalizado y de difícil solución.

## 2. Prevención y eliminación de la violencia contra los niños en las instituciones del sistema de justicia

59. Como se ha señalado en informes anteriores, la prevención y eliminación de la violencia contra los niños en la administración de justicia constituye una preocupación prioritaria para la Representante Especial. Un sistema de justicia basado en el respeto de los derechos del niño es decisivo para la prevención de la violencia contra los niños. Es indispensable garantizar el derecho de los niños de acceder a la justicia y de participar en procedimientos administrativos y judiciales que puedan comprender y utilizar efectivamente, así como establecer un entorno judicial adaptado a los niños y no intimidante en el que se garantice en todo momento la protección del niño contra la violencia, incluso en casos de privación de libertad.

60. La comunidad internacional ha desarrollado una base normativa para orientar los esfuerzos de aplicación a nivel nacional en la esfera de la administración de la justicia juvenil. En ella se incluyen medidas destinadas a prevenir la delincuencia juvenil y prohibir la detención arbitraria e ilegal de niños; velar por que la privación de libertad de las personas menores de 18 años se utilice únicamente como medida de último recurso y durante el período más breve posible; establecer salvaguardias legales para reglamentar la participación de los niños en las actuaciones penales; y promover los enfoques que respeten la dignidad del niño e inviertan recursos para su educación y reintegración social.

61. Para muchos niños de distintas partes del mundo, la brecha entre estos principios y la realidad sigue planteando un reto considerable. Miles de niños se ven sometidos a privación de libertad, a menudo como opción preferente o única y no como medida de último recurso. La detención preventiva puede durar meses o años y en algunos casos no conduce a una condena. Los niños pueden estar reclusos durante largo tiempo, en terribles condiciones de hacinamiento, a veces en celdas de adultos y enfrentados al riesgo de abandono y abuso. En muchos casos no tienen acceso a la educación o a iniciativas vocacionales y carecen de oportunidades de interactuar con otras personas de su edad y de mantenerse en contacto con su familia. Un niño puede estar expuesto a la violencia desde el momento de su detención, durante los traslados en vehículos policiales y durante el período de reclusión. La violencia también puede afectar al niño durante la detención preventiva y después de la condena, en particular cuando se usa como forma de control, disciplina y castigo.

62. En varios países, la justicia juvenil sigue siendo en gran medida excluida de los esfuerzos para armonizar el marco normativo nacional con las normas internacionales. En consecuencia, a veces la edad mínima de responsabilidad penal es demasiado baja, se aplican a los niños acusados de un delito procedimientos destinados a los adultos, y en ciertos países las sentencias dictadas a personas menores de 18 años pueden incluir la pena capital, cadena perpetua, lapidación, palizas, azotes y amputación.

63. Demasiado a menudo, el sistema de justicia penal termina utilizándose como sucedáneo ante la debilidad de las instituciones de protección del niño, lo que perjudica aun más a los grupos de niños vulnerables, en particular los que carecen de un hogar, viven en la pobreza o han abandonado el hogar para huir de la violencia. Como ha puesto de relieve la labor del Consejo de Derechos Humanos, los niños marginados y excluidos socialmente, incluidos los que viven o trabajan en la calle, requieren protección contra la violencia, el estigma y la discriminación. Los comportamientos de supervivencia como la mendicidad, el ausentismo escolar, la vagancia y la fuga del hogar deben tratarse como problemas de protección y no con medidas punitivas. En general, es imperativo poner fin a la criminalización de los niños marginados, así como a la impunidad por los delitos cometidos en su contra.



64. Estas preocupaciones también revistieron carácter prioritario en el programa de la Conferencia Mundial sobre la justicia de menores en África, organizada en Kampala en noviembre de 2011 por el Africa Child Policy Forum y Defence For Children International con apoyo del Gobierno de Uganda, en la que participó la Representante Especial. La reunión contó asimismo con la participación de oficiales de gobierno y representantes de la sociedad civil de 35 países. La Declaración de Munyonyo y su llamamiento a la acción<sup>9</sup>, aprobados por la reunión, serán una referencia clave para la acción futura.

65. La Conferencia de Kampala también tuvo como resultado la elaboración de una Guía para la acción relativa a los niños en el sistema judicial en África<sup>10</sup>. La Guía proporciona un marco amplio para el establecimiento de sistemas de justicia seguros y apropiados para los niños e incluye todos los procedimientos de índole administrativa o judicial, ya sean formales o informales, así como los sistemas tradicionales.

66. En enero de 2012 la Representante Especial organizará, junto con la UNODC, el ACNUDH y el Gobierno de Austria, una consulta de expertos sobre la prevención de la violencia contra los niños en el sistema de justicia. En el marco de las normas internacionales sobre justicia juvenil, la consulta ofrece una importante plataforma para presentar y analizar las iniciativas nacionales e internacionales que pueden contribuir a identificar y abordar los factores de riesgo y demás factores que propician la violencia en el sistema de justicia juvenil y a promover estrategias y medidas destinadas a prevenir la violencia y reforzar la protección efectiva de los niños a ese respecto. Las conclusiones y recomendaciones de la consulta de expertos se aportarán como insumo al debate temático del Consejo de Derechos Humanos sobre los derechos de los niños en el sistema de justicia.

#### **D. Fortalecimiento de la institucionalización de los procesos y estructuras de gobernanza regionales en apoyo de los esfuerzos nacionales para prevenir y eliminar la violencia contra los niños**

67. La colaboración con organizaciones e instituciones regionales es una piedra angular de la estrategia de la Representante Especial para acelerar los progresos en la aplicación de las recomendaciones formuladas en el Estudio. Esas asociaciones han sido un elemento decisivo para el establecimiento de plataformas de política que permitan obtener resultados positivos, identificar las preocupaciones y los desafíos y movilizar la adopción de medidas a fin de salvaguardar el derecho de los niños a vivir libres de violencia.

68. Se han alcanzado progresos notables a este respecto gracias a la elaboración de programas regionales para el seguimiento del Estudio, la institucionalización de estructuras de gobernanza regionales y la adopción de importantes compromisos políticos con miras a prevenir y eliminar la violencia. En el anexo del presente informe se consignan esas declaraciones y estrategias.

69. A fin de hacer un balance y reflexionar sobre el relevante proceso de cambio suscitado por tales iniciativas y mecanismos regionales y reforzar la cooperación interregional, en octubre de 2011 la Representante Especial patrocinó una mesa redonda de alto nivel en Nueva York con ocasión del debate sobre los derechos del niño celebrado en la Asamblea General. La reunión se organizó en colaboración con la Liga de los Estados Árabes, la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños, la Comisión Permanente Pro-Tempore de la Iniciativa Niñ@Sur del MERCOSUR, el Consejo de Europa, el Comité africano de expertos sobre los derechos y el bienestar del niño y el

<sup>9</sup> Puede consultarse en [www.box.com/shared/paq26ogbz9t1uf5bhz0r](http://www.box.com/shared/paq26ogbz9t1uf5bhz0r).

<sup>10</sup> Puede consultarse en [www.kampalaconference.info/images/Guidelines.pdf](http://www.kampalaconference.info/images/Guidelines.pdf).

UNICEF. En esta oportunidad, la Representante Especial lanzó la publicación *Political Commitments by Regional Organizations and Institutions to prevent and Address Violence against Children*, en la que figuran las declaraciones políticas y estrategias más importantes aprobadas en las distintas regiones para proteger a los niños contra todas las formas de violencia. Algunos de esos textos ofrecen una hoja de ruta para lograr progresos y un mecanismo de vigilancia para supervisar la aplicación y consolidar los esfuerzos a fin de superar los desafíos.

70. Durante la mesa redonda se lanzaron asimismo estudios regionales y exámenes analíticos sobre el proceso de aplicación del Estudio, incluido el informe comparado de los países árabes sobre la aplicación de las recomendaciones del Estudio del Secretario General de las Naciones Unidas sobre la violencia contra los niños, elaborado por la Liga de los Estados Árabes, y el informe "Keys to protect children against violence" del Consejo de Europa.

71. La mesa redonda fue la primera actividad de esa índole y proporcionó una plataforma para reflexionar sobre la experiencia adquirida y apoyar la formulación de una estrategia orientada hacia el futuro para prevenir y eliminar la violencia contra los niños en los planos regional y nacional. Como destacó el Secretario General Adjunto del Consejo de Europa, la combinación de los diversos esfuerzos desplegados por las organizaciones regionales con la contribución decisiva del sistema de las Naciones Unidas constituye nuestra mejor apuesta para crear un mundo apropiado para los niños.

72. La mesa redonda puso en marcha un proceso de cooperación institucional entre mecanismos e instituciones regionales, incluida la cooperación Sur-Sur a fin de reforzar la protección de los niños contra la violencia en todo el mundo. Las organizaciones e instituciones participantes aprobaron una importante Declaración Común en la que reconocieron su firme compromiso de:

- a) Intensificar la cooperación y promover el intercambio de experiencias nacionales, buenas prácticas y conclusiones sobre el proceso de aplicación del Estudio;
- b) Apoyar las iniciativas destinadas a intercambiar experiencias a nivel regional;
- c) Promover la creación, bajo los auspicios de la oficina de la Representante Especial, de un centro de información para el intercambio de conocimientos y el acceso a la información;
- d) Fortalecer la cooperación con los principales interesados, en particular las instituciones independientes de defensa de los derechos del niño, los parlamentarios, la sociedad civil, incluidos los niños, los dirigentes religiosos, el sector privado y los medios de comunicación;
- e) Empezar iniciativas para fomentar una cultura de respeto de los derechos de los niños y de protección de éstos contra la violencia, en particular mediante una mejor relación con los medios de comunicación;
- f) Prestar apoyo a la Representante Especial, así como a los esfuerzos globales para prevenir y eliminar la violencia contra los niños.

73. El proceso regional de seguimiento del Estudio está cobrando cada vez más fuerza. Por una parte, ello se debe a la celebración de reuniones periódicas para examinar los progresos alcanzados, como la organizada en Nepal en septiembre de 2011 por la Iniciativa del Asia Meridional para poner fin a la violencia contra los niños, que desde entonces es reconocida como órgano principal de la Asociación del Asia Meridional para la Cooperación Regional (SAARC), la celebrada en octubre por la Liga de los Estados Árabes en Doha y la organizada en diciembre por la Comisión Permanente de la Iniciativa Niño@Sur del MERCOSUR en Montevideo; y por otra parte, gracias a la ampliación y

continuada aplicación de las estrategias existentes, como la resultante de la reunión del Consejo de Europa celebrada en Mónaco en noviembre de 2011 sobre el tema "Construir una Europa para y con los niños", destinada a transformar esa visión en una realidad.

74. De modo similar, en varios países, incluidos el Estado Plurinacional de Bolivia y Belice, se celebraron consultas nacionales sobre el seguimiento de la aplicación de las recomendaciones del Estudio.

75. A principios de diciembre, representantes de países centroamericanos, México y Cuba se reunieron en el marco de una consulta regional celebrada en Santo Domingo. El Gobierno de la República Dominicana patrocinó la reunión en cooperación con la Oficina de la Representante Especial y la sección latinoamericana del Global Movement for Children. Participaron en la reunión instituciones y autoridades nacionales encargadas de las cuestiones de los jóvenes y adolescentes, órganos internacionales y regionales de derechos humanos, organismos de las Naciones Unidas, organizaciones de la sociedad civil, los medios de comunicación y representantes de los jóvenes.

76. La consulta se realizó en el contexto de un examen analítico regional de las medidas de aplicación adoptadas a nivel nacional para proteger a los niños contra la violencia. Las deliberaciones se centraron en las experiencias y los acontecimientos positivos de los distintos países, los problemas más críticos y los nuevos motivos de preocupación y en la identificación de las esferas en que se requieren mayores progresos. Dada su importancia particular para la región, se hizo especial hincapié en la protección de los niños contra la violencia en el sistema de justicia penal y en la vulnerabilidad de los niños resultante de la trata y la migración. La Declaración de Santo Domingo, aprobada por la reunión, reafirma el compromiso de llevar adelante la aplicación de las recomendaciones formuladas en el Estudio.

77. Sobre la base de las consultas celebradas en el Paraguay y la República Dominicana respectivamente para los países de América del Sur y de Centroamérica, en mayo de 2012 se celebrará una reunión regional para la región del Caribe en Jamaica.

78. Además, en 2011 se promovieron iniciativas juntamente con el Comisionado de Asuntos Sociales de la Unión Africana y con el Comité africano de expertos sobre los derechos y el bienestar del niño. Entre ellas cabe mencionar una conferencia celebrada en Addis Abeba en apoyo de la ratificación universal de los Protocolos facultativos de la Convención sobre los Derechos del Niño y otros tratados sobre los derechos del niño; y un seminario técnico en Burkina Faso sobre reforma legislativa con el fin de reforzar la protección de los niños contra la violencia en todas sus formas, incluido el castigo corporal.

#### **Día del Niño Africano**

En 2011, la Representante Especial se sumó a la conmemoración del Día del Niño Africano, dedicado al tema "Unidos en la acción urgente en favor de los niños de la calle". En esa celebración se pusieron de relieve las grandes dificultades que enfrentan los niños que viven y trabajan en la calle en la región africana, así como su vulnerabilidad a la violencia. Fue esa una ocasión estratégica para sumarse a la exhortación del Comité Africano de Expertos a que se establecieran mecanismos de orientación, denuncia y notificación bien conocidos, accesibles, seguros y adaptados a las necesidades de los niños; se realizaran inversiones nacionales en sistemas de protección de la infancia, incluida la promulgación de leyes para prohibir todas las formas de violencia contra los niños, y se abolieran los "delitos de condición" y se despenalizaran comportamientos de supervivencia como la mendicidad, el ausentismo escolar o la vagancia.

## **IV. Asociaciones estratégicas para acelerar los progresos en materia de prevención y eliminación de la violencia**

### **A. Realzar las asociaciones con los gobiernos y el sistema de las Naciones Unidas**

79. La Representante Especial mantiene su firme compromiso de seguir fortaleciendo las alianzas estratégicas para la protección de los niños contra todas las formas de violencia, dentro y fuera del sistema de las Naciones Unidas.

80. La interacción directa con los gobiernos y otros interesados nacionales ha constituido una dimensión esencial del proceso. Durante los dos primeros años de su mandato, la Representante Especial realizó más de 50 misiones en todas las regiones y visitó 39 países a fin de apoyar las iniciativas nacionales y difundir su mandato entre los asociados nacionales y al público en general<sup>11</sup>.

81. La cooperación estratégica con las autoridades y las partes interesadas a nivel nacional ha sido fundamental para aumentar la sensibilización sobre el impacto de la violencia en el disfrute de los derechos por los niños, apoyar la formulación de estrategias amplias e integradas sobre la violencia contra los niños, garantizar la protección legal de los niños y consolidar los esfuerzos para establecer sistemas de datos y actividades de investigación adecuados que permitan a los gobiernos prevenir y combatir efectivamente esas violaciones de los derechos de los niños.

82. Se han establecido mecanismo de colaboración institucional en apoyo del mandato de la Representante Especial, como el Grupo de Trabajo Interinstitucional sobre la violencia contra los niños, el Consejo Consultivo de las ONG para el seguimiento del estudio sobre la violencia contra los niños, así como con estructuras de gobernanza regionales de alto nivel, como se mencionó anteriormente.

83. De conformidad con la resolución 62/141 de la Asamblea General, la Representante Especial coopera estrechamente con el sistema de las Naciones Unidas, en particular con los fondos y programas y los organismos especializados y con los órganos y mecanismos de derechos humanos creados en virtud de tratados encargados de la prevención y eliminación de la violencia contra los niños. Pese a sus mandatos distintos que sin embargo se apoyan mutuamente y que interactúan con organismos tanto normativos como operacionales, todos los asociados convergen en una base de derechos humanos común y en una misma determinación de crear un mundo libre de violencia. Esta colaboración institucional ha sido fundamental para crear conciencia en torno a la protección de los niños contra la violencia y ampliar el apoyo mundial en ese ámbito, promover la incorporación de esa perspectiva en las actividades de las Naciones Unidas y enriquecer el programa normativo mediante la organización de debates estratégicos con asociados clave.

84. Como se señaló anteriormente en el capítulo II, se han adoptado otras medidas decisivas en cooperación con la Representante Especial del Secretario General para la cuestión de los niños y los conflictos armados y otros aliados importantes a fin de promover

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<sup>11</sup> Alemania, Argentina, Austria, Bélgica, Belice, Bolivia (Estado Plurinacional de), Brasil, China, Dinamarca, Egipto, España, Etiopía, Federación de Rusia, Francia, Ghana, Irlanda, Italia, Líbano, Marruecos, Nepal, Nicaragua, Noruega, Países Bajos, Panamá, Paraguay, Perú, Portugal, Qatar, República Dominicana, República Unida de Tanzania, Suecia, Suiza, Tailandia, Turquía, Ucrania y Uganda. Su oficina estuvo representada en actividades realizadas en México, Sudáfrica y el Uruguay.

el logro de progresos acelerados para la ratificación universal de los Protocolos facultativos de la Convención sobre los Derechos del Niño.

85. La Representante Especial celebró una serie de debates normativos de alto nivel con miras a promover el examen de la violencia contra los niños como cuestión intersectorial en el programa de las Naciones Unidas, en particular en el marco de la Comisión de Desarrollo Social en relación con las cuestiones de la extrema pobreza y la violencia; en el marco de la Comisión de la Condición Jurídica y Social de la Mujer en relación con la violencia de género y la victimización de las niñas; y durante las deliberaciones de la Asamblea General, así como en la reunión de los Estados partes en la Convención sobre los derechos de las personas con discapacidad, en relación con la violencia contra los niños con discapacidad. Además, se ha promovido la cooperación estratégica con los asociados de las Naciones Unidas para frenar la violencia en las comunidades y minimizar los efectos de las situaciones de conflicto armado y la violencia de bandas para los niños, en particular por medio de políticas que ayuden a reducir la disponibilidad de armas pequeñas y el acceso a ellas.

86. En el acto especial organizado en preparación para el debate temático de la Asamblea General sobre los derechos de los niños con discapacidad se prestó especial atención a los riesgos de violencia emocional y sexual a que deben hacer frente esos niños. En el debate se reafirmaron las siguientes prioridades:

- Todos los países deben promulgar legislación para prohibir todas las formas de violencia contra todos los niños, incluidos los niños con discapacidad;
- Es urgente establecer mecanismos de orientación, denuncia y notificación eficaces, debidamente dotados de recursos y adaptados a las necesidades de los niños y sensibles a la discapacidad a fin de prevenir y eliminar los casos de violencia;
- Es esencial hacer inversiones en actividades de sensibilización e información a fin de romper la barrera del silencio en torno a la violencia contra los niños con discapacidad y desarrollar un sólido sistema de datos e investigaciones sobre la discapacidad infantil y las formas de la violencia y su prevalencia a fin de garantizar que los niños puedan disfrutar de sus derechos.

87. Las reuniones periódicas del Grupo de Trabajo Interinstitucional sobre la violencia contra los niños siguen siendo un importante foro de consulta, formulación de políticas e incorporación de la cuestión de la violencia contra los niños en el programa de las Naciones Unidas, en particular con respecto a la promoción de datos e investigaciones para poner fin a la invisibilidad y la aceptación social de la violencia y apoyar la promoción estratégica, la elaboración de políticas y la movilización de recursos con miras a prevenir y eliminar ese fenómeno.

88. En septiembre de 2011, la oficina de la Representante Especial participó en la quinta reunión sobre los Hitos de una Campaña Mundial de Prevención de la Violencia, organizada por la Organización Mundial de la Salud (OMS) en Ciudad del Cabo (Sudáfrica). La conferencia proporcionó nuevos datos sobre intervenciones eficaces para prevenir la violencia interpersonal y promover una mayor colaboración entre los diferentes sectores y disciplinas, incluidas la salud, la protección social y la justicia penal. Los resultados de la reunión constituirán un recurso importante para la próxima consulta de expertos relativa al logro de mejores datos e investigaciones sobre la violencia contra los niños.

89. La Alianza para la Prevención de la Violencia, en la que participa la Representante Especial, reúne a un grupo de Estados miembros de la OMS, organismos internacionales, miembros de instituciones académicas y organizaciones de la sociedad civil. Los asociados de todos los sectores (gubernamental, no gubernamental y privado) convergen en torno a

una visión común a fin de atacar las causas profundas de la violencia y mejorar los servicios prestados a las víctimas<sup>12</sup>. La participación de la Representante Especial en la Alianza abre la posibilidad de mejorar considerablemente la visibilidad de la violencia contra los niños y contribuir a la realización de iniciativas y publicaciones conexas.

90. La colaboración con los órganos y mecanismos de derechos humanos creados en virtud de tratados ha seguido siendo un aspecto saliente del programa de la Representante Especial a fin de aprovechar las sinergias entre los distintos mandatos e integrar las cuestiones relativas a la violencia contra los niños en todos los mandatos pertinentes. Se han promovido deliberaciones periódicas e iniciativas conjuntas con el Comité de los Derechos del Niño, lo que ha creado oportunidades para contribuir a las observaciones finales, los debates temáticos y las observaciones generales del Comité y tomarlos como punto de partida. La colaboración en la formulación de la Observación general N° 13 sobre el derecho del niño a no ser objeto de ninguna forma de violencia<sup>13</sup> y en el proceso de redacción del nuevo protocolo facultativo de la Convención sobre los Derechos del Niño son ejemplos de esa valiosa asociación.

91. La participación en la reunión anual de Relatores y Representantes Especiales, expertos independientes y presidentes de grupos de trabajo de los procedimientos especiales del Consejo de Derechos Humanos ha dado la ocasión de intercambiar información e identificar oportunidades de realizar actividades conjuntas a fin de eliminar las causas profundas y los factores de riesgo de la violencia y proporcionar medios a los niños y jóvenes para apoyar la creación de una cultura de la no violencia. El informe relativo a los mecanismos de orientación, denuncia y notificación de incidentes elaborado juntamente con la Relatora Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, confirma las potencialidades de esta cooperación estratégica.

## **B. Fortalecimiento de la cooperación con las organizaciones de la sociedad civil y los jóvenes**

92. Los integrantes de la sociedad civil desempeñan un papel decisivo en la aplicación de las recomendaciones del Estudio y han tenido una participación fundamental en los procesos y los debates de expertos a nivel regional. La colaboración con los asociados de la sociedad civil ha contribuido a la campaña mundial en pro de la ratificación universal de los Protocolos facultativos de la Convención en términos del impulso a las iniciativas de reforma legislativa, la promoción de la participación de los niños, la sensibilización sobre la incidencia y el impacto negativo de la violencia en los derechos de los niños y la defensa de actividades destinadas a impedir que los niños estén expuestos a la violencia en las escuelas, las instituciones de acogida y de justicia, la comunidad, el entorno laboral o el hogar. Esa cooperación se ha visto notablemente facilitada por el establecimiento del Consejo Consultivo de las ONG y sus actividades de defensa y movilización social con los asociados en los planos internacional, regional y nacional.

93. En octubre de 2011, la Representante Especial se sumó al lanzamiento del informe del Consejo Consultivo de las ONG titulado "Cinco años después: una puesta a punto a nivel mundial sobre la violencia contra niños y niñas". En el informe se analizaron más de 100 estudios realizados por investigadores académicos, ONG y organismos de las Naciones Unidas desde 2006. Si bien en el informe se reconocen los progresos y los numerosos compromisos y promesas en relación con la prevención y eliminación de la violencia, también se presentan pruebas de que millones de niños continúan siendo humillados,

<sup>12</sup> Véase información adicional en <http://www.who.int/violenceprevention/en/>.

<sup>13</sup> CRC/C/GC/13.

golpeados, quemados, abusados sexualmente e incluso asesinados. El informe es una valiosa contribución a la base de conocimientos sobre la violencia contra los niños y a la formulación de un futuro programa de acción.

94. La colaboración estratégica se reforzó aun más gracias al Grupo de ONG para la Convención sobre los Derechos del Niño y su Grupo de Trabajo sobre la violencia contra los niños, así como con Child Helpline International y su red. Presentes en más de 120 países, las redes de Child Helpline desempeñan un valioso papel en la protección de los niños contra la violencia, razón por la cual los niños contactan a esas redes en todo el mundo. Esas redes de ayuda son una parte importantísima de los mecanismos adaptados a las necesidades de los niños y una fuente indispensable de información sobre cuestiones relativas a la violencia.

95. En 2011 se reforzó la colaboración estratégica con las organizaciones religiosas. Los dirigentes religiosos fueron aliados decisivos e influyentes en la elaboración del Estudio y han seguido siendo asociados importantes en el proceso de seguimiento, fomento del diálogo, promoción del abandono de prácticas que perpetúan la violencia contra los niños y apoyo a la utilización de formas de disciplina no violentas. Para redoblar esos esfuerzos, la Representante Especial estableció una asociación estratégica con el Día Mundial de oración y acción por la infancia, iniciado por un movimiento mundial de dirigentes religiosos y comunidades de todos los credos y organizaciones laicas comprometidas con los derechos del niño. El Día Mundial se celebra anualmente alrededor del 20 de noviembre, el aniversario de la aprobación de la Convención sobre los Derechos del Niño, y constituye una oportunidad para que los dirigentes e instituciones de las distintas religiones colaboren con los gobiernos y las organizaciones intergubernamentales y la sociedad civil—incluidos los padres, maestros y jóvenes— en la promoción del desarrollo físico, social, psicológico y espiritual del niño.

96. A partir de 2011, por un período de tres años, el Día Mundial está dedicado a la eliminación de la violencia contra los niños. En 2011, los asociados del Día Mundial, incluido el UNICEF; organizaron 85 actividades en 70 países para conmemorar el Día Mundial de oración y acción por la infancia. Por ejemplo, en la República Dominicana más de 70 organizaciones religiosas y defensores de los derechos del niño apoyaron una declaración suscrita por las distintas religiones en la que hicieron un llamamiento a redoblar los esfuerzos para aplicar las recomendaciones del Estudio y pusieron de relieve el compromiso de los dirigentes religiosos de promover la no violencia, proteger a los niños contra la violencia en sus respectivas comunidades y fomentar la disciplina no violenta en el hogar. La Declaración se presentó oficialmente a la Representante Especial en el marco de la reunión regional sobre la violencia contra los niños celebrada en Santo Domingo el 2 de diciembre de 2011.

97. En 2011 la Iniciativa Global para Acabar con Todo Castigo Corporal hacia Niños y Niñas, Churches' Network for Non-Violence y Save the Children (Suecia) publicaron un valioso manual de ayuda a las personas que trabajan con las comunidades religiosas y a los miembros de éstas para movilizar el apoyo de los feligreses a favor de la eliminación del castigo corporal a los niños. El manual, titulado "Eliminación del castigo corporal a los niños: manual para el trabajo con y dentro de las comunidades religiosas", contiene ejemplos útiles de iniciativas y recursos basados en esas comunidades para colaborar con las organizaciones y los dirigentes religiosos en la consecución de apoyo y alianzas de las distintas religiones a todo nivel.

#### *Cooperación con los jóvenes*

98. La participación de los niños es una dimensión esencial del mandato de la Representante Especial. Se realizan periódicamente actividades de cooperación y reuniones con niños y jóvenes, en particular en el contexto de las iniciativas regionales y misiones

sobre el terreno de la Representante Especial, y se sigue ampliando el espacio dedicado a los niños en su página web.

99. Como se señaló anteriormente, la encuesta mundial puesta en marcha por la Representante Especial se está llevando a cabo con la participación de los niños. En apoyo de este proceso, se ha elaborado una versión de la encuesta especialmente adaptada a los niños, en estrecha cooperación con los asociados de la sociedad civil, y se están celebrando varias consultas con jóvenes a nivel regional.

#### **Consulta con niños sobre la encuesta mundial en el Asia meridional**

En septiembre de 2011 se celebró en Katmandú una consulta regional con niños para tratar el tema de la encuesta mundial. Los niños representantes de ocho países del Asia meridional reconocieron que se habían logrado progresos positivos pero recomendaron que se siguiera reforzando el papel de los gobiernos. Instaron a que se proporcionara un mayor número de programas de sensibilización, especialmente a nivel de las comunidades, se promovieran las buenas prácticas de crianza de los hijos y se prohibieran por ley todas las formas de violencia contra los niños. Reconocieron la importancia de promover la participación de los niños y de establecer foros como clubes de niños y consultas de jóvenes a fin de promover la toma de conciencia sobre la violencia contra los niños. Los niños recomendaron que se pusieran a disposición de todos los niños redes de ayuda y se proporcionaran servicios de protección del niño con un número suficiente de profesionales capacitados. Se señalaron como buenas prácticas la designación de consejeros en las escuelas y la atención policial especializada para mujeres y niños. Además, los niños pidieron que se proporcionara formación especial a los maestros sobre métodos docentes no violentos y que se establecieran reglamentaciones estrictas con miras a prohibir el uso de violencia en la educación

100. Como se desprende de las encuestas de niños realizadas en todas las regiones, la violencia constituye para ellos un motivo de profunda preocupación. Sin embargo, pese al impacto considerable y duradero de la violencia en su vida cotidiana, los niños muestran un notable potencial de recuperación y una capacidad singular para movilizarse a fin de promover soluciones no violentas y pacíficas, en particular fomentando la sensibilización sobre los efectos de la violencia entre sus pares y las familias, generando solidaridad y apoyo para los niños víctimas e inspirando confianza a éstos para que denuncien los incidentes de violencia.

## **V. Perspectivas futuras**

101. Los dos últimos años del mandato han contribuido a dar un mayor impulso a la prevención de la violencia y su eliminación en los planos nacional, regional e internacional. Como se muestra en el presente informe, la violencia contra los niños está dando lugar a una creciente preocupación y necesidad de acción, en particular a iniciativas de defensa y movilización social por parte de una amplia alianza de asociados con el apoyo de organizaciones internacionales y regionales.

102. Ese impulso ha ido acompañado de logros concretos, como la adopción de importantes medidas legislativas y normativas para proteger a los niños contra la violencia, un enfoque más selectivo por parte de los organismos de las Naciones Unidas y la creación de mecanismos para incorporar en la cuestión de la violencia contra los niños en programas y políticas, así como la institucionalización del proceso de seguimiento de las recomendaciones del Estudio por las organizaciones regionales, las agrupaciones políticas y los miembros de la sociedad civil.



103. Si bien estos acontecimientos permiten esperar nuevos progresos, sigue siendo urgente traducir a la realidad la visión plasmada en el Estudio. Dado que marca el décimo aniversario de la entrada en vigor de los Protocolos facultativos de la Convención sobre los Derechos del Niño y de los compromisos relativos a la violencia contra los niños expresados durante el período extraordinario de sesiones de la Asamblea General sobre la infancia, el año 2012 es particularmente estratégico para agilizar esos esfuerzos. Ese también es el año en que la Asamblea General examinará el mandato de la Representante Especial y dará un nuevo impulso a los esfuerzos encaminados a crear un mundo libre de violencia. Motivada por la urgencia de esta causa y por el potencial singular que ofrece ese año auspicioso, la Representante Especial prestará particular atención a las esferas que se enumeran a continuación.

**A. Fortalecimiento de los compromisos internacionales con la protección de los niños contra la violencia, en particular mediante la promoción de la ratificación universal de los Protocolos facultativos de la Convención sobre los Derechos del Niño**

104. El amplio apoyo manifestado con respecto a la campaña mundial en pro de la ratificación universal de los Protocolos facultativos de la Convención sobre los Derechos del Niño y los progresos alcanzados son pruebas del valor de esta iniciativa conjunta de las Naciones Unidas. El año 2012 puede pasar a ser un hito en el logro de la ratificación universal, por lo que la Representante Especial continuará asignando atención prioritaria a esta meta. En vista de la aprobación del Protocolo facultativo sobre un procedimiento de comunicaciones por la Asamblea General, también se harán esfuerzos por lograr su rápida firma y entrada en vigor.

**B. Aumento de la sensibilización y los conocimientos sobre la exposición de los niños a la violencia en apoyo de la adopción de medidas eficaces de prevención y eliminación de la violencia**

105. La violencia no respeta fronteras geográficas, sociales o culturales; está generalizada y ocurre en todos los contextos, incluso donde se supone que los niños gozan de protección especial. A fin de obtener una comprensión más cabal de las causas profundas y los factores de riesgo de este fenómeno e identificar posibles experiencias positivas y recomendaciones estratégicas para ayudar a los gobiernos en sus esfuerzos de aplicación a nivel nacional, la Representante Especial continuará celebrando sus consultas de expertos sobre temas prioritarios. Entre esos temas se incluyen la prevención de la violencia contra los niños en el sistema de justicia juvenil y los datos e investigaciones sobre la violencia contra los niños.

**C. Incorporación de las recomendaciones del Estudio en todos los programas nacionales y fortalecimiento de las asociaciones con organizaciones e instituciones regionales en apoyo de este proceso**

106. El seguimiento efectivo de las recomendaciones del Estudio depende en gran medida del grado en que éstas se integren en todos los aspectos de la política nacional y el marco de desarrollo y pasen a ser un motivo de preocupación central en los debates públicos. Mediante sus actividades de promoción, su diálogo normativo y sus misiones sobre el terreno a nivel mundial, la Representante Especial continuará apoyando los esfuerzos de aplicación nacionales, en particular los destinados a

establecer programas nacionales bien coordinados y dotados de recursos para la eliminación de la violencia contra los niños; formular legislación para prohibir todas las formas de violencia contra los niños en todos los entornos; y apoyar la preparación de datos e investigaciones fiables sobre las formas, la incidencia y la magnitud de la violencia.

107. A fin de consolidar los conocimientos y acelerar los progresos, en 2012 la Representante Especial seguirá reforzando las asociaciones estratégicas establecidas con organizaciones e instituciones regionales y organizará consultas regionales, en particular en el Asia meridional y en el Caribe.

**D. Realización de una encuesta mundial para evaluar los progresos alcanzados en la prevención y eliminación de todas las formas de violencia contra los niños**

108. Como se señaló anteriormente, la Representante Especial puso en marcha una encuesta mundial para identificar y evaluar los progresos alcanzados en la aplicación de las recomendaciones del Estudio. Sus resultados se consignarán en el informe que presentará a la Asamblea General en 2012 y contribuirán a formular un programa de actividades orientadas hacia el futuro capaz de mantener el impulso de los avances realizados hasta la fecha y promover un giro paradigmático en la protección de los niños contra la violencia.

109. Pese a los progresos alcanzados, la urgencia de esta causa no ha disminuido. En un mundo avasallado por una profunda crisis económica y conflictos sociales, es imperativo prevenir el riesgo de que los programas para combatir la violencia contra los niños se diluyan frente a prioridades rivales. Es imprescindible seguir haciendo esfuerzos sostenidos y coordinados a fin de transformar los logros actuales en un salto cuántico hacia adelante. La Representante Especial acoge con beneplácito la oportunidad de continuar colaborando estrechamente con los Estados Miembros y demás partes interesadas en aras de la consecución de este importante objetivo.

## Anexo

### **Political commitments by regional organizations and institutions to prevent and address violence against children in the framework of the process of follow-up to the recommendations of the United Nations Study on Violence against Children**

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## **Joint Statement from the High-Level Round Table on the Role of Regional Organizations on the Protection of Children from Violence, New York, October 2011**

1. We, the representatives of the Council of Europe, the League of Arab States, MERCOSUR Pro-Tempore Chairmanship of the Permanent Commission of the Initiative Nin@Sur, the South Asia Initiative to End Violence Against Children (SAIEVAC), and the African Committee of Experts on the Rights and Welfare of the Child participating, with UNICEF, in the first held meeting of Regional Organizations and Institutions on Violence against Children, organized by the Special Representative of the Secretary General on Violence against Children (SRSG on VAC),
2. Gathered in New York to share lessons learned and reflect on good practices and priority areas of concern resulting from the regional processes promoted in our respective regions to implement the recommendations of the United Nations Study on Violence against Children,
3. Recognizing the critical role played by Regional Organizations and Institutions as catalysts of progress, at the regional and national levels, for the prevention and elimination of violence against children,
4. Recognizing the priority attached by the SRSG on VAC to the consolidation of partnerships with Regional Organizations and Institutions to accelerate progress in the process of implementation of the recommendations of the UN Study on Violence against Children,
5. Welcoming the support of the SRSG on VAC to the strengthening of regional governance structures and initiatives, and to cross-regional and South-South cooperation to promote and monitor progress in the follow-up to the UN Study on Violence against Children,
6. Noting with appreciation the important role played by civil society in support of the process of follow-up to the UN Study on Violence against Children,
7. Express our determination to accelerate efforts for the prevention and elimination of violence against children in all its forms and to promote cross-regional and South-South cooperation, in particular with a view to supporting:
  - (a) The development of well-coordinated and well-resourced national agendas on violence against children, supplied with effective implementation and monitoring mechanisms;
  - (b) The development of national legislation to prohibit all forms of violence against children in all settings;
  - (c) The consolidation of national data systems and research on violence against children and the dissemination of relevant information to inform advocacy, policy making and resource mobilization to safeguard children's right to freedom from violence.
8. We recognize the richness and potential of cross-regional and South-South cooperation and in close cooperation with the SRSG on VAC and with the support of UNICEF, commit to:
  - (a) Promote the sharing of experiences, good practices and lessons learned on the process of implementation of the UN Study on Violence against Children;

- (b) Support initiatives to enable cross-fertilization of regional experiences, good practices and lessons learned;
- (c) Support the development of a platform, under the auspices of the SRSG on VAC, for knowledge-sharing on regional efforts to protect children from violence and to ensure easy access to relevant information on measures and processes promoted at the regional level to prevent and eliminate violence against children in all settings;
- (d) Promote cooperation with key stakeholders, including independent institutions on the rights of the child, parliamentarians, civil society, including children, religious leaders, the private sector and the media to strengthen children's protection from violence;
- (e) Support initiatives to build a culture of respect for children's rights and freedom of violence; and in this regard, strengthen partnerships with the media;
- (f) Meet on a regular basis and support the SRSG on VAC mandate and global efforts to effectively prevent and address violence against children.

## **Joint Statement from the High-Level Round Table on the Role of Regional Organizations on the Protection of Children from Violence, New York, October 2011**

1. We, the representatives of the Council of Europe, the League of Arab States, MERCOSUR Pro-Tempore Chairmanship of the Permanent Commission of the Initiative Nin@Sur, the South Asia Initiative to End Violence Against Children (SAIEVAC), and the African Committee of Experts on the Rights and Welfare of the Child participating, with UNICEF, in the first held meeting of Regional Organizations and Institutions on Violence against Children, organized by the Special Representative of the Secretary General on Violence against Children (SRSG on VAC),
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- (b) Support initiatives to enable cross-fertilization of regional experiences, good practices and lessons learned;
- (c) Support the development of a platform, under the auspices of the SRSG on VAC, for knowledge-sharing on regional efforts to protect children from violence and to ensure easy access to relevant information on measures and processes promoted at the regional level to prevent and eliminate violence against children in all settings;
- (d) Promote cooperation with key stakeholders, including independent institutions on the rights of the child, parliamentarians, civil society, including children, religious leaders, the private sector and the media to strengthen children's protection from violence;
- (e) Support initiatives to build a culture of respect for children's rights and freedom of violence; and in this regard, strengthen partnerships with the media;
- (f) Meet on a regular basis and support the SRSG on VAC mandate and global efforts to effectively prevent and address violence against children.

## **Santo Domingo Declaration, Follow-up meeting for Central America, Cuba, Mexico and the Dominican Republic, December 2011**

We, the governmental and state authorities, representatives of the civil society and national human rights institutions, children and adolescents and international organizations from Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic; as well as representatives of the Inter-American Commission on Human Rights and the Committee on the Rights of the Child, have met in Santo Domingo, Dominican Republic on 1 and 2 December 2011 during the Central American Chapter Follow-up Meeting to the United Nations Study on Violence against Children, organized by the Government of the Dominican Republic as host country and by the Latin American Chapter of the Global Movement for Children (GMC), in close collaboration with the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, Ms. Marta Santos Pais.

Five years after the presentation of the Global Study on Violence against Children and its recommendations before the United Nations General Assembly, the participants of the Central American follow-up meeting have decided to drive a process to communicate and evaluate the implementation of the Study recommendations, including the development of a mapping of the advances promoted by states, the celebration of this sub-regional meeting in Santo Domingo; as well as, support for the establishment of national and regional monitoring of the execution/accomplishment of these recommendations.

The meeting provided an opportunity to disseminate the Study on Violence against Children and to track prioritized Recommendations 1, 2 and 11 at regional and national levels, renewing the political commitment of the participating States, promoting the exchange of experiences and the reinforcement of sub-regional cooperation areas, based on the Convention on the Rights of the Child, ratified by all participating States.

During the presentations, panels and group work were identified the challenges, opportunities and future actions to develop strategies, policies and national programs that prioritize the prevention and prohibition of all forms of violence against children and adolescents and the creation and implementation of national systems of data collection, information and research.

In particular, the involvement of children and adolescents has provided important inputs so the right to a life without violence can be a reality.

This statement will be complemented by the guidelines for a regional roadmap in light of the priorities identified by participating countries, whose value is to support the regional process, the debate and the formulation of national roadmaps. These roadmaps will be appropriate to the contexts and structures of regional institutions and specific to each State, and prepared with the active participation of all stakeholders.

We recognize that the elimination of violence against children is a major challenge, which requires a sustained and coordinated effort from governmental institutions, legislature, civil society, international agencies, and independent human rights institutions as well as from individual children and adolescents in order to be achieved.

We recognize the importance of facilitating and supporting opportunities for dialogue and coordination at national and regional levels that can help meet the goals established in the United Nations Global Study on Violence against Children.



## **Roadmap to contribute to the realization of the right of all boys, girls and adolescents to protection against all forms of violence in South America, Asunción, April 2011**

### **I. Background**

The South American Meeting for Follow-up to the Recommendations of the United Nations Study on Violence against Children was held in Asunción, Paraguay on 28 and 29 April 2011. The meeting was held to encourage more widespread dissemination of the report and to follow up on its recommendations on regional and national levels. It was also meant to raise awareness, promote the exchange of experiences and stimulate further progress in priority areas.

The meeting also sought to consolidate the strategic alliances of several key actors, including the Special Representative of the United Nations Secretary-General (SRSG) on Violence against Children, Mrs. Marta Santos País. The meeting prioritized strengthening institutional links with countries, United Nations bodies, international and regional organizations, and civil society groups, including the media and children and adolescents, with a focus on implementing Study recommendations.

The Study presented a series of recommendations focused on accelerating and monitoring progress in preventing and responding to violence, based on international human rights instruments. The mandate of the SRSG is to raise awareness and encourage implementation of the Study's recommendations. This task is fundamental; it underscores the urgency of tackling violence against children and adolescents, based on an effective approach and realistic priorities.

To support implementation of the Study's recommendations in the Latin American and Caribbean region, the Global Movement for Children–Latin American and Caribbean Chapter (GMC–CLAC) partnered with the SRSG and the State of Paraguay to organize the meeting.

Prior to the event, a mapping exercise was conducted on implementation of the recommendations, emphasizing those prioritized by the SRSG. The mapping incorporated information from primary and secondary sources, and States and civil society organizations from throughout South America contributed valuable information. Groups of children and adolescents were also consulted, and their contributions were decisive in clarifying their perceptions of violence, their experiences and their proposals for how to comply with the recommendations.

Based on information obtained during the mapping and the Asunción meeting, and as a result of dialogue between the SRSG, the MERCOSUR Permanent Commission Niñ@Sur and the top authorities for childhood and adolescence of MERCOSUR, on 26 April 2011, the following Roadmap was drafted to track progress on implementing the prioritized recommendations.

### **II. Proposals and recommendations**

To ensure a strategic and sustainable approach to application of the recommendations, the following actions are proposed:

**Use of the human rights framework as a frame of reference**

Considering that protection of children and adolescents from violence is an ethical and human rights imperative, States are recommended to proceed with universal ratification of human rights treaties and to withdraw any reservations they may have declared in relation to these. They are also encouraged to support adoption of the Third Optional Protocol to the Convention on the Rights of the Child, on individual complaints.

States are recommended to ensure their compliance with the decisions and recommendations issued by international and regional organs concerned with monitoring human rights. These include in particular the Committee on the Rights of the Child, the Inter-American Commission on Human Rights and its Rapporteurship on the Rights of the Child, and the Inter-American Court of Human Rights. Special attention is recommended to the Concluding Observations and General Comments of the Committee and the four thematic reports that have been published by the Commission's Rapporteurship on the Rights of the Child: Citizen Security and Human Rights, Corporal Punishment and Human Rights of Children and Adolescents, The Rights of the Child in the Inter-American Human Rights System and Juvenile Justice and Human Rights.

**Adoption of national legislation prohibiting all forms of violence against children**

It is recommended that all States adopt an explicit national legal prohibition on all forms of violence against children, in all settings. This will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the withdrawal of some expressions currently found in legislation, including the term 'moderate', which continues to allow physical and humiliating punishment and introduces an element of discretion that is inconsistent with the rights of children and adolescents to their personal integrity and human dignity.

National legal frameworks must be reviewed and adapted to meet international standards and instruments.

National standards should clearly set out the competencies required for their regulatory development and the responsibility for their effective implementation and monitoring.

Participation by civil society and children and adolescents themselves must be taken into consideration in these legislative processes, particularly on issues affecting them, as established by the Convention on the Rights of the Child.

Legislation must also allow for adequate mechanisms of implementation and guarantee advice and counselling as well as mechanisms for complaints and reporting of incidents of violence by children/adolescents or their representatives.

Legislation must cover the work of both public and private institutions. It should be used as the basis for developing regulations concerning these services, including standards of conduct and discipline and appropriate monitoring mechanisms.

Application of laws must be complemented by initiatives to raise social awareness and mobilize the general public, particularly children and adolescents. In most cases this implies modifying deeply rooted social behaviours and creating conditions for a culture of respect for children's rights. Media dissemination plans are recommended to further this aim. Awareness-raising initiatives are also recommended for anyone who is in direct contact with children: parents, relatives, caregivers, teachers, social workers, civil servants employed in public institutions, civil society organizations that work with children and adolescents, the general public, public decision-makers and their advisers.

Legislation must also establish mechanisms of supervision, investigation and compliance, always mindful of respect for human rights. Legislative provisions must be supported by initiatives to combat impunity for commission of violence and provision for adequate sanctions.

Legislation must also provide protection to victims and witnesses, including facilities for complaints and their redress and legal and psychological support to aid recovery and integration. Complaint mechanisms must be designed to be easily accessible by and specially adapted for children and adolescents, and to be confidential, safe, user-friendly and independent. Legal guarantees must be established to protect child victims and to prevent any risk of manipulation or reprisals.

Parliamentarians must organize debates to supervise and encourage follow-up of any legislative recommendations or reforms that may be necessary. They should also guarantee allocation of adequate resources for effective implementation of legislation.

It is of concern that some forms of violence are not yet prohibited or properly regulated by law, along with violence in certain settings, such as schools, family and community settings, and institutions of confinement. This includes specifically penalties against 'client-exploiters' of persons under 18 years of age who are sexually exploited. Regarding prevention of institutional violence, it is important that guidelines include suitable guarantees regarding supervision and complaints. Impunity must also be combated by the State, subject to oversight by civil society.

In cases where children or adolescents commit unlawful acts, it is important that laws take into consideration the standards upheld by international human rights law. In particular, models of restorative and not merely punitive justice should be enacted, and the age limit for criminal responsibility should be established with maximum respect for children's rights as a whole. In all cases, regressive tendencies, including lowering the age of criminal responsibility, must be resisted. It should be borne in mind that confinement must be a measure of last resort, and for the shortest time possible. Particularly significant are concerns about reports of violations of human rights and rights of children and adolescents occurring in centres of confinement, where children/adolescents are under custody of the State and may suffer forms of violence.

### **Institutionalization of a follow-up process and application of the Study's recommendations**

Overcoming all forms of violence against children and adolescents requires a sustained effort over time and the joint work of many varied actors. Thus it is clearly necessary to institutionalize suitable and properly structured national and regional structures and processes for follow-up and application of the recommendations of the Study to achieve progress and ensure sustainable changes.

### **Designation of a high-level authority in each country with the mandate to coordinate actions necessary for implementation and follow-up of the Study**

Confronting the phenomenon of violence requires an integrated and holistic approach. Such a multi-faceted and multi-causal issue linked to children's rights must be addressed from the perspective of promotion, prevention, protection and response if we are to break the cycle that reproduces violence, and not merely offer reactive responses. This type of intervention requires two kinds of coordination: horizontal (between sectors, including health, education and social affairs, gender, justice and home affairs, planning, economy and finance) and vertical (between local and national authorities). Thus, coordination must be led by a top-level actor with the capacity to manage coordination and a mandate to call on diverse sectors and the various levels of government.

It is recommended that a strategy be designed and mechanisms sought through which the recommendations can be incorporated into all spheres and levels of the State, at the same time ensuring effective and efficient vertical coordination.

Financial resources must be transferred from national to decentralized levels in accordance and consistent with responsibilities assigned, avoiding the creation of inequalities in access to prevention and protection anywhere within the territory. To achieve this without limiting compliance by a country, the clause addressing budget allocation in Recommendation 1 – “must be in accordance with the country's resources” – should be viewed in relative terms.

### **Development of a wide-ranging national strategy to prevent and respond to all forms of violence against children and adolescents**

It is recommended that the recommendations of the Study be included in public policy planning instruments, both those of a general nature and those specifically designed for children. These should include national plans of action for children, national development plans, national human rights plans and other plans and programmes. These planning instruments must be given strategic objectives, with defined timelines and resource allocations that are adequate and sufficient in both financial and human terms. They should include follow-up indicators and regular evaluations of their results and impact. Reports of their activities should be presented annually to Parliament and the general public.

This strategy must be applied using high-level coordination, with management responsibility for organizing activities that span different government departments and political and administrative levels. This should take place in association with other relevant parties, in particular civil society organizations and other groups representing children and adolescents, as well as academic institutions.

These actions must be accompanied by a dissemination plan involving the media to ensure that the public has access to information on strategies for combating violence. The plan will also seek to contribute to changing the social mindset (entailing a social and cultural change) based on the key role of the media. This should be directed both at the general public and at anyone who takes political decisions, using appropriate, child-friendly language. The intention should be to strengthen the principles of transparency and public control.

From this viewpoint, based on the existing structural framework, spaces and mechanisms (and creating them if there are none), the following operational suggestions are made for dissemination of information:

1. A coordination group should be created at national and regional levels specializing in the issue of violence, with a specific budget and the use of technologies to facilitate communication between specialists within the region.

2. At country level, each representative should mobilize a process for drawing up a national plan (national roadmap), with a budget and involving the highest authorities, bearing in mind cultural diversity. This calls for forming committees for participation by different state actors, civil society and children and adolescents; establishing common goals and objectives; and dividing responsibilities to permit follow-up of actions and regular evaluation of results. Common results indicators are essential.

### **Promotion of and support for the participation of children and adolescents**

It is fundamentally important to encourage participation by children and adolescents in the follow-up to the Study. Their ideas and experiences should be valued and considered. Appropriate conditions should be established for them to act within their own communities, including a mechanism for their own protection. It is therefore recommended that a

communications strategy be established, with children and adolescents participating in its conception and design, using child-friendly materials that take diversity into account.

At the same time, approaches adapted to children/adolescents should be promoted in both prevention and response, thus increasing accessibility for children/adolescents and the efficiency of the strategies employed.

It is therefore recommended that children's participation be institutionalized through appropriate and representative fora and mechanisms, in accordance with General Comment No. 12 of the Committee on the Rights of the Child and the recommendations of the 20th Pan-American Conference. These should take into consideration the ongoing creation of Children's Consultative Councils and existing children's organizations.

### **Follow-up of the recommendations of the Study by national independent human rights institutions**

The development of national independent human rights institutions (NIHRIs) is recommended. Their actions should include follow-up to the recommendations of the Study. Among possible initiatives are: promotion of public policies; research and initiatives involving supervision and monitoring; provision of counselling/guidance; and in some cases response to specific complaints. It is also recommended that annual reports to Parliament discuss progress towards achievement of the Study's recommendations.

Children and adolescents must have direct and user-friendly access to the NIHRI and have appropriate information on its mandate.

It is recommended that the NIHRIs institutionalize their collaboration with the SRSG so they can provide relevant information regarding follow-up of the Study. Similarly, it is important to have spaces for exchange and collaboration between the various NIHRIs at regional level so they can share knowledge and experiences and build synergies.

### **Consideration of the recommendations by multilateral regional bodies and spaces for interstate cooperation**

Some forms of violence are transnational in nature, requiring interstate agreements for cooperation or multilateral action. Tackling such issues through multilateral bodies is essential. It is important to recognize that Niñ@Sur, for example, has integrated into its working strategy the follow-up of the recommendations of the Study on Violence against Children.

### **Promotion of alliances of actors and sectors to achieve greater impact**

Initiatives like the one promoted by the GMC-CLAC are important in supporting progress towards compliance with the recommendations of the Study. They must be encouraged and maintained, ensuring their development at national and regional levels.

Within this framework it is important to stimulate and reinforce the local and national organizations that are working on these issues, whether individually or as part of networks and coalitions. It is also important to encourage and ensure exchange and cooperation among actors at national and regional levels, to ensure the visibility, dissemination and sharing of their various initiatives.

### **Consideration of the recommendations by multilateral development organizations and international financial institutions**

Given the unanimous support for the Study by the States and existing relationships for development cooperation among several of them, it is recommended that the Study and its recommendations be taken into account as a reference in strategic interventions in bilateral

cooperation between States, as well as in multilateral development organizations and international financial institutions.

### **Consolidation of national systems to collect, analyse and disseminate data and research on violence against children**

Efforts are needed to strengthen national systems for generating and handling consolidated, uniform data that allows for comparison over time and comparison with data from other sources, including other countries. This system will be a key tool for planning public policies and for monitoring and evaluation.

Agreed conceptual frameworks must be reviewed to ensure they comply with the content and definitions of international standards on human rights. This review should result in more conceptual unity, which will allow for comparison of information, particularly between countries, and for better follow-up to ascertain the level of compliance with international human rights instruments. Unity of conceptual frameworks will also help to maximize cooperation between countries.

The information collection systems should contain both quantitative and qualitative data, have access to diverse sources and conduct research. Collaboration of national statistics centres with universities and research centres is important, as well as with civil society organizations that generate research and data on violence towards children. Adequate training for staff involved in information collection must also be addressed.

It is recommended that questions addressing issues of violence be included in household surveys, keeping in mind the limitations of such surveys when violence occurs within the family itself. It is recommended that the opinions and perspectives of children and adolescents be included and their experiences recorded. In this respect, it is felt that children and adolescents should participate directly in surveys and perception studies and other qualitative and quantitative research. Schools may be a setting for administration of such surveys, and it is recommended that experts conduct them.

Statistical information must be made public, respecting the principle of transparency and scrutiny of public administrations by their citizens while preserving individuals' right to privacy. Accessibility and analysis of information by children and adolescents themselves should be considered.

Greater attention is recommended with regard to information collection regarding violence prevention, particularly on risk factors and protection. The same applies to information on forms of response to violence and recovery of victims. The information gathered should not be restricted to quantitative data on the number of violations and the types of violence.

Telephone helplines can be seen as an opportunity, as they can serve as an instrument to monitor and compile data on the facts reported and the process followed in response to specific cases (such as the number of cases reported that lead to a formal complaint, and the result, if any).

There must also be an increase in the number of monitoring tools, instruments and indicators available. Indicators developed must be grounded in international human rights instruments and incorporate enhanced equivalence and standardization factors, permitting comparison of data between countries and improved monitoring. Children of all ages and ethnicity and in all environments should be taken into account, particularly those incurring the greatest risk. Less visible forms of violence must be identified.

It is essential to integrate information databases across all sectors (e.g. education, health, etc.) since it is possible that data from different sectors are not being cross-referenced or jointly analysed. Effective data management is crucial. States should have integrated systems that draw on data generated by prevention, detection and protection services.

National plans on violence must include indicators for measuring the scope of the objectives proposed, with particular attention to implementation at local level. Financial and public investment indicators should be considered.

It is recommended that the Inter-American Children's Institute (IIN), as a regional technical body, support the work of unifying concepts and recognizing or standardizing indicators, providing a technical service to the States of the region. Another aspect of possible collaboration between the IIN and the States is development of an effective model of inter-sectoral data management and modernization of instruments and systems. It is recommended that the IIN encourage initiatives in this respect, fostering exchange and taking into consideration good practices at country level (e.g. Ecuador and Mexico).

### **III. Follow-up to the Roadmap**

Complements to this regional Roadmap are the Manifiesto produced by children and adolescents of the Latin American countries participating in the meeting and the Declaration of the Meeting, to which the Government of Paraguay subscribed through its National Secretariat of Children and Adolescents.

Participants in the working groups also produced an initial draft roadmap for each country, adapting the recommendations to each country's context. These roadmaps will later be augmented and applied at national level by those who participated in this process in Asunción. It is hoped that the resulting documents will be attached to the regional Roadmap, contributing the country level perspective.

In South America, the multilateral organization MERCOSUR and its Permanent Commission Niñ@Sur, in conjunction with MERCOSUR children's authorities, represents a valuable structure for institutionalizing regional follow-up to the Study, grounded in the Roadmap agreed to at the Asunción meeting. Within this forum mechanisms can be established for exchange of experiences that contribute to implementation of the Study's recommendations. In this respect, it should be considered that, every year at the Permanent Commission of Niñ@Sur, each State presents a follow-up report about country level progress and unresolved challenges. Such a common approach has great value in creating opportunities for collective progress and synergies in the region. Technical support should be provided by MERCOSUR's Institute of Human Rights and Public Policies. It is recommended that Niñ@Sur reinforce its institutional relationships with the SRSR with a view to contributing to this UN mandate.

Finally, MERCOSUR's Member States and associates should consider providing support to the SRSR's Office. The Office depends on voluntary contributions, putting at risk the efficiency, long-term planning and independence of the mandate. It is crucial that States – which unanimously declared their commitment to the Study and its recommendations at the UN General Assembly – mobilize in support of the SRSR's mandate and contribute to ensuring the continuity and visibility of the agenda on violence against children within the United Nations system.

#### **Manifiesto of children and adolescents from Latin American countries taking part in the South American Meeting for Follow-Up to the United Nations Study on Violence against Children and Adolescents.**

Here in the city of Asunción we have been taking part as delegations of organizations of children and adolescents from Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, El Salvador, Paraguay, Peru, Uruguay and Venezuela, sharing reflections and concerns about violence against children and adolescents, and we therefore,

Declare that:

1. Although we live in the same region, there is great inequality of opportunity and different forms of violence against children and adolescents in every country. Every State has different levels and forms in terms of compliance with the laws and rights of children and adolescents.

2. In some countries violence is permitted as a form of discipline, while in others any form of violence is punishable by law.

3. Structural violence is the effect of an unjust global capitalist system that is responsible for the impoverishment of most of the peoples of our countries. For us, structural violence means the contamination of the environment and of people by major agro-business proprietors. This contamination affects the health and lives of children and adolescents and their families (peasants and indigenous people) who are forced to leave their communities and migrate to the cities.

There is little likelihood of this form of expression of violence being denounced, since instead of helping, the protocols in place obstruct such procedures; and in themselves they display many social differences.

This situation creates exclusion and inequality in access to basic rights; poverty; and greater likelihood of exploitation of children, adolescents and their families.

4. For many years the culture, customs, territories and ways of life of the indigenous peoples of the continent have been subjugated, and we believe that this is a form of cultural, physical and symbolic violence against the children and adolescents of the indigenous peoples.

5. In most cases the laws and actions of States facilitate the violation of our rights in general. For example, in some countries they are trying to lower the age of criminal responsibility, while in others, the police and institutions are agents of re-victimization of child and adolescent victims of ill-treatment, exploitation, sexual abuse and other crimes.

6. There are many laws in the region, but they are not being complied with, and there are few institutions responsible for enforcing their compliance.

7. We also know that institutional bureaucracy is an obstacle to the immediate and quality attention to situations of violence against children and adolescents.

8. In most countries there are no specialized institutions like ministries of childhood and adolescence.

9. There are difficulties in the birth registration and documentation of people due to inefficiency and lack of access to the centres of registration in communities into which children and adolescents are born.

10. The centralization of services for children and adolescents hinders compliance with our rights.

11. The lack of dissemination of the Convention on 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.

12. The mass media of our countries overwhelmingly promote a negative image of children and adolescents, distorting information, publishing only what sells, and failing to educate. The mass media create negative stereotypes that re-victimize us, making us vulnerable to situations of violence.



We recommend that:

1. A regional body be created whose mandate is to review our different realities (including our differences) and that through this, children and adolescents can make their complaints to guarantee their rights. This regional body must centralize annual reports by each country on the situation of children and adolescents in relation to violence.
2. The countries approve laws that prohibit violence against children and adolescents, including violence with 'disciplinary' objectives.
3. Public employees in institutions charged with the compliance or vigilance of some of the rights of children and adolescents are properly trained.
4. The laws are respected and that ministries of childhood and adolescence are created in the countries of the region, and that services of care and protection for children and adolescents are decentralized.
5. Other types of violence, including structural and symbolic violence, are investigated, to create public policies that can reverse this situation. We particularly recommend that the Commission take into account this type of violence, which for years has been an unknown factor in many States, in order to prevent and educate children and adolescents, young people and adults in a culture of respect and peace.
6. The Commission demand that States promote the rights of children and adolescents and monitor their application in families, institutions and society in general.

We demand that:

1. The States legally guarantee the rights of children and adolescents. That the different types of culture are not discriminated against or looked down upon, but that a way for plural participation is sought.
2. The States commit to effectively comply with our rights, to comply with the laws and to sanction anyone who fails to respect them.
3. The media be educational agents reflecting the positive values and forms of expression of children and adolescents.
4. Culture, customs, traditions and dances and the restitution of the territories seized from the Indigenous Peoples of America are respected, to guarantee development and decent living conditions for children and adolescents of this sector.
5. That families expelled by agro-business from their communities of origin are protected.

## **Marrakesh Declaration, Fourth Arab High Level Conference on the Rights of the Child, December 2010**

We, the Representatives of Arab States participating in the “Fourth Arab High-Level Conference on the Rights of the Child” held in the City of Marrakesh, Kingdom of Morocco, under the gracious patronage of His Majesty King Mohamed VI from 19 to 21 December 2010, under the motto of “Promoting Arab Partnership to enhance the Status of the Child”,

Express our deep appreciation and gratitude to His Majesty King Mohamed VI of Morocco, for his gracious patronage of this Conference. Thank the General Secretariat of the League of Arab States and the Preparatory Committee of the Conference for their concerted efforts which contributed to the success of the Conference.

Reaffirming the values, principles and objectives of the Convention on the Rights of the Child and its two optional protocols, the “World Fit for Children” declaration issued by the United Nations Special Session on children in 2002, the United Nations Millennium Declaration and the Millennium Development Goals;

Commending Arab efforts aiming at achieving the objectives of the Second Arab Childhood Plan (2004-2015) to promote the situation of children in the region and ensure their rights, particularly their rights to comprehensive health care, quality education, full protection, participation, equality and non-discrimination;

Commending, also, the actions taken by Arab States to strengthen legislation aimed at protecting the rights of the child, establishing new mechanisms for their follow-up and implementation, reporting violations, strengthening social care and reform institutions and restorative justice mechanisms; launching awareness-raising and extension campaigns, in addition to other steps taken by a number of Arab states to withdraw their reservations on the Convention on the Rights of the Child and related instruments;

Recalling the findings and recommendations of the following preparatory meetings to the Conference;

- Civil Society Forum held on 24 February 2010 in Cairo in cooperation with the Arab Council for Childhood and Development to consider means for promoting the role of the civil society in the implementation of the Second Arab Childhood Plan;
- Media Forum held in Beirut in cooperation with the Higher Council for Childhood on 25 and 26 May 2010 to review the important role of media in supporting causes related to the rights of the child;
- Youth Forum held in Damascus in cooperation with the Syrian Commission for Family Affairs from 27 to 29 July 2010.
- Referring to the findings and outcomes of studies, reports and documentation prepared jointly by the General Secretariat of the League of Arab States and a number of Arab countries, as well as the findings of the Round Table held during the Conference on the “Situation of Children under Israeli Occupation”, and

Pursuant to the fruitful and constructive discussions that took place during the Conference with the purpose of assessing progress achieved in the implementation of the Second Arab Childhood Plan;

### **We declare our determination:**

- To promote Arab partnership and strengthen joint Arab action mechanisms through exchanging expertise, developing capabilities and mobilizing resources to promote

the rights of the child ; to ensure comprehensive and balanced development by establishing an integrated Arab mechanism to mobilize , guide and coordinate efforts exerted in favour of childhood ; to provide necessary technical expertise and funding in cooperation with regional and international organizations, the private sector and civil society organizations.

- To pursue diligent efforts to promote the rights of the child, improve his/her status within the context of a rights-based approach that ensures the best interests of the child, based on the interdependent, holistic and indivisible character of rights and by applying the principle of non-discrimination to give the causes of childhood the priority they deserve; to mobilize financial and human resources required to implement sectoral plans and programmes through child-friendly budgets while establishing monitoring and evaluation systems;
- To reaffirm our resolve to continue working to achieve the Millennium Development Goals, the Goals of “ World Fit for Children”, and the goals of the “Arab Plan for Childhood” set for 2015; to intensify Arab efforts for addressing challenges through, inter alia, submitting childhood-related issues to the Council of the League of Arab States at the Summit Level; finding ways to promote the role of Arab funds and financial institutions in childhood projects, as a high priority of development action based on regional cooperation and human development concepts, promoting human rights and economic integration between Arab countries as a driving force of genuine development;
- To pursue work to update the Second Arab Childhood Plan to include well-defined goals, fixed time-frames, and subject to assessment, monitoring and follow-up; based on partnership between countries and different societal sectors, those working with children, with children themselves and their families, civil society, the private sector, academic centres and media, and to be implemented through the application of quality standards, efficiency and transparency. In this context we emphasize the importance of incorporating a gender-sensitive approach in all child-related programmes and encouraging work to combat violence against women in view of its close link to the best interests of children. We also stress the importance of up-dating and developing the database on indicators on the situation of children in Arab countries as a reference for planning, policy formulation and programme design, while emphasizing the importance of conducting periodic studies on the situation of children in the Arab region in cooperation with relevant regional and international organizations.
- To establish a framework of action for the protection of children living under Israeli occupation in Palestine and the Golan; to defend their rights guaranteed by international law, especially their right to a free and dignified life in their homeland, their right to protection from all forms of violence, torture, ill-treatment and aggressive practices, and ensure that they are not deprived of their basic rights; to affirm the right of the Palestinian child to a national identity within the independent state of Palestine with Jerusalem as its capital and the right of the Syrian child in the occupied Golan to enjoy his original nationality and to have access to all health and educational services, to learn in his own language and to study his national curriculum, to communicate with his family in his country of origin, and to be protected from land mines, and the right of the Lebanese child to live in a country free from land mines and cluster bombs; to encourage Arab and international efforts to take action for the rehabilitation of children who have been physically, psychologically and socially affected; to reject the teaching of curricula prepared by the occupying authorities while stressing that just, lasting and comprehensive peace requires lifting the blockade imposed on Gaza and ending the suffering of the

Palestinian children and their families; seize the expansion of settlements, the apartheid separation wall, annexation of Jerusalem, the recovery of the Arab Syrian Golan and Southern Lebanon; and releasing Arab children imprisoned by the Israeli occupation authorities.

- To develop Arab mechanisms capable of addressing the negative impact of armed conflict on children, including taking measures to monitor, document, study, follow-up and activate the role of Arab institutions working in related fields; to hold scientific meetings and training activities to strengthen the role of civil society in rehabilitating and re-integrating children, and taking action to establish an Arab relief mechanism to ensure that disaster, and crises- stricken children and their families receive the necessary assistance to resume their normal life;
- To expedite national efforts exerted in the field of child health care to ensure child survival, to reduce infant and child mortality rates and maternal mortality rates; to address the problems of child malnutrition and to promote breast feeding;
- To promote awareness-raising and extension programmes and services, as well as protection efforts related to the transmission of HIV/AIDS by different means, especially among adolescents; to provide care and treatment whenever required, in addition to designing and implementing preventive plans and strategies to protect them from the hazards of drug addiction;
- To accelerate national efforts exerted for attaining the goals of “Education for All”, improving the quality of education, as well as its systems, institutions, methodologies and tools; to enhance the efficiency of human resources and to increase financial allocations, and emphasizing compliance with the principles of equal opportunities, gender equity and non-discrimination; and to exert efforts to allocate an adequate percentage of national budgets to basic education; to consider education an investment with real economic returns and to link its outputs to the requirements of the labour market and contemporary needs for skills; to reaffirm the goal of education in building a generation that is aware of its social role in tandem with its contribution to economic and developmental initiatives;
- To take action to strengthen the Arab child's sense of belonging and support the foundations of Arab identity, while stressing the importance of giving the Arabic language its deserved place in the education system of Arab countries without neglecting the study of other living languages;
- To adopt a comprehensive and integrated care and development approach for early childhood as a matter of high priority in Arab development policies by implementing a comprehensive Arab project for improving early childhood services, while giving special attention to marginalized sectors of society;
- To take necessary measures to reduce the percentage of drop-outs and educational attrition and to limit repetition in basic and secondary education by revising and improving the quality of formal and informal education as well as improving assessment and evaluation methods; to offer incentives to poor and marginalized families; to improve and develop the school environment and link it to local communities to become more child-friendly, in addition to ensuring a safe environment that encourages creativity, innovation, thinking, freedom of opinion and expression and allows children to enjoy all their rights;
- To strengthen protection programmes by developing strategies to combat all forms of violence against children, by implementing the practical recommendations of the Arab Comparative Report on the implementation of the recommendations of the study of the United Nations Secretary-General to end Violence Against Children and

its attached list of programmes and projects, in cooperation with relevant international organizations;

- To establish national follow-up and reporting mechanisms to confront the problems facing children and their families, most importantly child-help hotlines, Protection Committees, Ombudspersons for Child Protection and others; to initiate and support child protection observatories and centres and ensure that they are provided with the highest degree of autonomy; to designate a central authority to lead and coordinate combating violence against children; to encourage comparative studies and the exchange of experience between Arab countries in the field of child protection against all forms of violence, abuse, exploitation, neglect and abuse;
- To harmonize child and family-oriented programmes and strategies, realizing that the family being the primary provider of care to the child; to adopt and implement policies for the protection of socially-deprived children, especially those without primary caregivers, and vulnerable children; to guarantee their access to education, health and social services; to intensify programmes for supporting the capacities of families and foster families who suffer from difficult social conditions
- To enforce existing legislations and promulgate laws that incriminate the violation of the rights of the child and protect the child against all forms of exploitation, violence, neglect and ill-treatment especially with regards to female circumcision, sexual exploitation, early marriage, corporal punishment and trafficking of children;
- To combat the phenomenon of child labour by promulgating and implementing legislations, rehabilitation of working children, ensuring their access to basic education or vocational training and to provide practical alternatives to increase their family income, with focus on prohibiting child labour in hazardous jobs; to monitor and exchange relevant information at the regional and international levels in addition to adopting a gender-based approach to all these fields;
- To establish programmes that provide services for the prevention of violence against children and provide victims with the necessary support and care; and to take corrective measures in their favour; to strengthen punishments for different crimes committed against children; to take necessary measures to eliminate the phenomenon of impunity; to establish a judicial system for children covering judges, prosecutors, police, psychologists and social experts; and to accelerate the processing of all the court cases related to children;
- To register every child at birth to preserve his right to an identity, a name, a nationality and to enforce laws and regulations to this effect;
- To rehabilitate handicapped children and ensure their right on the basis of the principle of non-discrimination while giving due attention to the social care institutions that support them and seek to follow integrative policies, especially in educational institutions
- To build and support the capacities of staff working with children in education and social care institutions, especially by providing social integration services through training and awareness programmes while focusing on establishing a code of ethics for those working in the fields of child care, protection and rehabilitation;
- To include the concept of children participation and to define its different levels and required skills, in education curricula, school structures and social care institutions; to establish and activate child participation mechanisms in these institutions such as students councils, clubs for children, discussion groups, etc; to raise awareness among children of the importance of participation and dialogue within the family

between parents and children and adopting dialogue as a means of communication and problem-solving;

- To establish parliaments and national institutions that allow for the participation of children as a preliminary step and incentive for their involvement as members in the Arab Children's Parliament; to draft a document with guiding principles for their participation in line with international standards;
- To develop guiding principles as a reference for professional and ethical media coverage of child-related issues; to provide and publish documents and literature related to the media and child rights issues; to organize an annual award recognizing media serving the best interests of the child; to consider the possibility of establishing a mechanism to monitor the impact of media on children in cooperation with Arab authorities concerned with childhood that would be in charge of assessing media products; to follow up the application of charters and principles related to media and the rights of the child; and to develop quality standards for children's programmes and allocating funds for the production of high quality Arabic media programmes for children that enhance the values of Arab civilization;
- To establish national observatories to follow up media programmes directed to children; to encourage the participation of civil society organizations in this field and develop continuous training and rehabilitation plans for staff working in development communication as well as educational programmes for children and parents.

In conclusion, we the participants in the Fourth Arab High-Level Conference for the Rights of the Child" pledge to devote our energy and resources to honour our commitments, with the determination and perseverance that is required by the continuous challenges we face, to achieve the goals of the Second Arab Plan for Childhood, the Millennium Development Goals and the goals of "A World Fit for Children". We pledge, also, to intensify our efforts and invest our capabilities to make the present Conference an additional contribution to the structure of joint Arab social efforts in the field of childhood in the Arab World.

## **Cairo Declaration on the Convention on the Rights of the Child and Islamic Jurisprudence, November 2009**

Under the patronage and in the presence of Her Excellency the First Lady of Egypt, Mrs. Suzanne Mubarak, the Cairo Conference was held to commemorate the 20<sup>th</sup> anniversary of the Convention on the Rights of the Child (CRC), which coincides with the 20<sup>th</sup> anniversary of Egypt's National Council on Childhood and Motherhood, the national body mandated to coordinate and monitor the realization of the rights of the child in Egypt.

The Conference was organized by the Ministry of State for Family and Population of Egypt and co-sponsored by the Organization of the Islamic Conference (OIC) and UNICEF, with the valuable contribution of a wide range of partners who contributed to the success of the Conference.

The representatives from most OIC Member States, as well as international organizations, national human rights institutions, NGOs and children from ten OIC countries participated in the Conference. Participants expressed their deep appreciation to the Ministry of State for Family and Population of Egypt for its excellent organization of the Conference.

All participants highly appreciated the presence of Mrs. Mubarak for her visionary and exemplary leadership in the promotion of the rights of the child and the consideration of children as a priority in the political agenda. Participants appreciated as well the child rights based approach adopted by the NCCM and the progress achieved in the realization of the rights of the child.

The Conference recognized that the 20th anniversary of the CRC provides an opportunity to acknowledge progress building upon two decades of experience, and to renew the commitment of OIC Member States to continue to strengthen action towards the effective implementation of the CRC and to address prevailing challenges related to the realization of the rights of the child, with special emphasis on the contribution of principles of Islamic Shariah in fostering the purposes and objectives of this Convention.

The present Declaration reflects the deliberations during the Conference and identifies recommendations for action to enhance the full implementation of the Convention.

Member States and civil society organizations from OIC countries (hereinafter participants) gathered in Cairo to commemorate the 20th anniversary of the adoption of the Convention on the Rights of the Child, to renew their commitment to the rights of the child for all children without discrimination, including on the basis of gender, to be guided by the best interests of the child, to ensure children's survival and development and to involve children meaningfully in decision-making processes.

### **Review of reservations**

Participants acknowledged that some OIC Member States formulated reservations upon ratification as a precautionary measure. They also noted that the national experience in the realization of the rights of the child by OIC member-states has enriched the process of implementation of the Convention and helped to advance it further.

Participants stressed that the experience gained over the two decades of implementation of the Convention has shown the compatibility and convergence of the Convention with the principles of Islamic Shariah and the opportunity to review reservations and consider their withdrawal.

Participants welcome the increasing trend to review and withdraw reservations to the CRC which reflects the dynamic nature of Islamic Shariah, and the enriching exchange of

national experiences amongst member states, particularly those who have withdrawn or are in the process of withdrawing the reservations.

Participants welcome in particular the unanimous view expressed during the Conference that reservations, including those of a general nature, create an inaccurate perception of incompatibility between the CRC and Shariah law should be revisited with a view to withdraw them.

#### **OIC Permanent Independent Expert Human Rights Commission**

Participants welcome the decision to establish a permanent independent expert human rights commission as a principal organ of the OIC and call upon all OIC Member States to expedite this process which will enhance the promotion of children's rights among all human rights and foster the positive contribution of Islamic law and tradition in the process of implementation of the CRC.

#### **The Optional Protocols to the CRC**

Participants encourage OIC Member States that have ratified the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; and the Optional Protocol on the Involvement of Children in Armed Conflicts to continue to strengthen their implementation in accordance with the recommendations of the Committee on the Rights of the Child.

Participants urge all other OIC Member States to ratify the optional protocols without delay. These two protocols are:

1. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

#### **Proposal for a third Optional Protocol**

Participants welcome the expressions of support from numerous OIC Member States to strengthen the mandate of the Open-Ended Working Group of the Human Rights Council to proceed with the drafting of a new Optional Protocol to the CRC to provide a communications procedure; encourages States and civil society to be actively involved. This should build upon positive experiences within OIC Member States in providing children with effective representation and remedies at the national level.

#### **Enhanced Compliance with the Convention**

Participants recommend that the OIC Member States make the implementation of the rights of children a matter of high priority on their political agenda and, building upon OIC positive national experiences, establish a national body with a clear and strong mandate and with the necessary financial and human resources to ensure the coordination of the implementation of the CRC and the regular evaluation of progress. Participants recommend that the OIC Member States develop and implement laws and programs on children's rights in close consultation with parliamentarians, traditional, religious and other national or local leaders.

Participants recommend that OIC Member States encourage a cooperative and productive partnership with civil society, in particular NGOs, and support their active involvement in developing, implementing and assessing the impact of child related legislation, policies and programs.



**- Adequate resources for children**

Participants urge OIC Member States to provide necessary human and financial resources for the implementation of the CRC, including the enforcement of laws and policies.

Furthermore, it is recommended that OIC Member States make expenditure on the rights of the child visible in their annual national budget.

**- Data Collection, analysis and dissemination**

Participants urge OIC Member States to establish effective tools for systematic collection, analysis and dissemination of data on the implementation of the CRC, disaggregated by age, gender, urban/rural and other relevant factors; and to use this data for the development, implementation and regular review of their laws, policies and programs and to identify child vulnerabilities, to prevent discrimination and overcome disparities.

**- Child social inclusion and eradication of poverty**

Participants expressed deep concern at poverty and its negative impact on the realization of the rights of the child and urge OIC Member States to target the elimination of child poverty and to ensure children's universal access to basic social services of quality and to invest in children as a high priority in their poverty reduction strategies, particularly in the context of the current economic and financial crisis, and in order to achieve the Millennium Development Goals for poverty reduction by 2015.

**- International Cooperation**

Participants recommend to States that are in a position to do so, to provide technical and financial assistance to other States in their implementation of the CRC, in the framework of bi-lateral or multi – lateral agreements, while taking into account country specific concluding observations made by the Committee on the Rights of the Child. Participants call upon Member States of the UN to provide additional financial and human resources to allow the Committee on the Rights of the Child and other treaty bodies to fulfill their mandates and call on the OIC, both Secretariat and Member States, to enhance their cooperation with OHCHR in this respect.

**Specific Recommendations****Child participation**

40 children from 10 countries held a meeting for children on 21 – 22 November and participated equally in every session of the conference on 23 – 24 November.

Participants underscore the importance of promoting and supporting the participation of children in decision-making. They express their special appreciation for the contributions made by children during the Conference and for the recommendations they have put forward, which were prepared during their two day preparatory meeting.

Participants strongly recommend to all OIC Member States to provide children with meaningful opportunities to express their views and to take part in the process of developing and implementing laws, policies and programmes that affect children's lives; OIC Member States who have not yet done so, should also consider the establishment of Children's Parliaments and ensure appropriate follow-up to their recommendations.

Participants also recommend that OIC Member States promote and support active participation in the family, in schools and in institutions for children, taking into account the Committee on the Rights of the Child's General Comment on article 12 of the CRC, and the recommendation of their discussions.

**Child protection from discrimination**

Participants renew their commitment to ensure the realization of the rights of all children without discrimination of any kind.

Participants commit to giving special attention to the realization of the rights of girls, including to achieve their right to education and to eliminate child marriage and other harmful traditional practices.

Participants urge OIC Member States to take legislative, administrative and social measures to support without discrimination the rights of children born out of wedlock. These measures should include facilities for ensuring that both parents support the child and the mother benefits from relevant financial support to ensure the upbringing of the child. Children's inheritance rights should also be safeguarded. Measures should also be taken to establish the legal responsibility of the father to contribute financially in the upbringing of the child and to allow the mother to take the necessary legal actions to establish through courts the fatherhood of the biological child.

Participants recognized that children with disabilities have a right to special attention and empowerment. The entry into force of the Convention on the Rights of Persons with Disabilities provides an opportunity for renewed commitment to the realization of the rights of children with disabilities and for joint action between the two treaty bodies established by these treaties.

Participants also recognized the particular vulnerability of children deprived of parental care, belonging to minorities, living and working on the streets and children victims of economic exploitation and reiterated their commitment to enhance their protection.

**Child protection from all forms of violence**

Participants valued the presence and contribution of the newly appointed Special Representative of the SG on Violence against Children, Dr. Marta Santos Pais, and expressed their commitment to develop productive cooperation with the Special Representative and to provide her with necessary technical and financial support. In light of the child's equal right to respect his or her human dignity and physical integrity, participants to the Conference recommend to the OIC member States to take all appropriate legislative, social and other measures for an effective follow-up to the recommendations made in the UN Study on Violence Against Children.

Participants call upon the OIC Member States to urgently review and reform their legislation to ensure the prohibition of all forms of violence against children and to link law reform with promotion of positive, non-violent forms of discipline. Building upon the promising experiences of OIC Member States, particular attention should be given to the prevention and combat against harmful practices, including FGM, child marriage, crimes committed in the name of honour, the use of children as camel jockeys, child trafficking, child domestic service and other forms of child labour.

Building upon positive national experiences from OIC Member States, participants to the Conference recommend that each State establish a high level focal point to coordinate all actions to prevent and combat all forms of violence against children, and promote the development of a well-resourced national strategy on violence against children, engaging with civil society, including children and young people.

**Participants requested:**

1. That efforts should be exerted to provide protection for children under occupation, and in times of war. They demanded that those who violate the CRC by killing children or subjecting them to imprisonment, corporal and/or psychological torture, should be made accountable and brought to court.

2. That poverty alleviation should be targeted, as poverty is considered a primary cause for children's main problems, which lead to their deprivation of enjoying a normal life. Participants encourage the OIC and its Member States to facilitate the establishment of a children's forum to promote the contribution of children to the process of follow-up to the UN Study on Violence against Children and to keep children informed about developments in this area.

**- Child marriage**

Participants call upon all OIC Member States to raise the age of marriage to 18, ensuring full consent and registration of marriage.

**- FGM**

Participants to the Conference recommend the OIC member States to prohibit by law all forms of FGM and undertake awareness raising and informative campaigns, and promote social mobilisation in close consultation and cooperation with the traditional and religious leadership, NGOs, as well as with parliamentarians, to support the enforcement of the prohibition and the promotion of abandonment of this practice, and to provide people who are involved in this practice with alternative employment.

**- Corporal Punishment**

Participants to the Conference recommend that OIC Member States prohibit all corporal punishment and other cruel or degrading forms of punishment or treatment of children, in all settings including within schools and within the family, linking law reform with the promotion of positive, non-violent forms of discipline.

**- Juvenile justice**

Participants call on OIC Member States to complete the development of an effective and efficient juvenile justice system which ensures the full implementation of the CRC in particular articles 37 and 40, and other relevant international standards and taking into account the Committee on the Rights of the Child's General Comment No. 10. In that regard, special attention should be paid to the establishment and progressive raising of the minimum age for criminal responsibility.

Participants call on OIC Member States to take necessary measures to respond to children in conflict with the law without resorting to judicial proceedings providing that human rights and legal safeguards are fully respected, including community service, restorative justice, (taking into account the Lima 2009 - Declaration on Restorative Juvenile Justice).

Participants call on OIC Member States to take measures to ensure that all children in conflict with the law are provided with free legal or other appropriate assistance and that deprivation of liberty, including pre-trial detention, is only used as a measure of last resort and for the shortest possible period of time, by fully implementing recommendations of the CRC Committee made in Gen. Comment No. 10 regarding the use of pre-trial detention and by introducing and effectively using suspended sentencing and early release.

Participants call on OIC Member States to take legislative measures to abolish the imposition of capital punishment on persons who committed a crime when under the age of 18, and suspend the execution of any pending capital punishment. Furthermore, it is recommended to abolish all forms of life imprisonment for crimes committed before the age of 18.

Participants call on OIC Member States to take legislative measures to ensure that children deprived of their liberty have access to education, adequate health care and to sports and other leisure opportunities, can maintain regular contact with their parents and other family

members and are fully protected against all forms of violence, including inhuman and degrading treatment or punishment.

Participants call on OIC Member States to safeguard the rights of child victims and witnesses involved with judicial proceedings and take into consideration relevant UN standards and guidelines.

The participants express their profound thanks and appreciation to the Arab Republic of Egypt, represented by the Ministry of State for Family and Population, for the kind hospitality extended to them. Due recognition is also extended to the Organization of the Islamic Conference and UNICEF, and all entities that supported the successful outcome of this conference.

## South Asia Initiative to End Violence against Children (SAIEVAC) 2010-2015 Workplan, Kathmandu, Nepal, November 2010

### 1. Background

The governments of South Asia have followed up the recommendations to the UN Study on Violence Against Children (2006) to varying degrees. Current initiatives to protect children from violence are fragmented, largely uncoordinated and ad hoc. Adopting a child protection systems approach means children are treated as individuals and receive a comprehensive range of services for larger overall impact. It comprises the set of strategies, policies, plans, laws, regulations and services needed across all social sectors — especially social welfare, education, health, security and justice — to support prevention and response to protection related risks. Responsibilities need to be spread across government agencies, with services delivered by national and local authorities, non-State providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection systems. Strengthening such systems requires attention to policy reform, institutional capacity development, planning, budgeting, monitoring and information systems. Child protection systems are most effective when structured around community-based protection and require an aware and supportive public. Through the formation of the South Asia Initiative to End Violence Against Children (SAIEVAC) governments have reiterated their commitment to addressing the enormous scale and urgency of violence against children in all forms and this workplan is a strategic framework to coordinate, standardize, and monitor progress annually. While the UN Study's recommendations are an overall *broad* framework for all governments in South Asia, this workplan provides *specific* actions for governments in the region and offers practical indicators to ensure governments can measure change.

### 2. Vision, Aims, Scope, Definitions

#### 2.1 Vision

SAIEVAC's vision is that all children, girls and boys, throughout South Asia enjoy their right to an environment free from all forms of violence, abuse, exploitation, neglect and discrimination.

#### 2.2 Aims

The aims of the workplan are:

- a. To ensure the realization of children's rights as stated in the UNCRC and its Optional Protocols
- b. To prevent and respond to all forms of neglect, abuse, exploitation and violence against children in all settings
- c. To promote the adoption, implementation, and monitoring of integrated national strategies with adequate budgets and resource allocation to prevent and protect children from violence and ensure response
- d. To reinforce regional cooperation to end violence against children in South Asia

### 2.3 Scope and Definitions

A child shall mean any person under the age of 18 years and will include adolescents in its mandate. In line with Article 19 of the UNCRC, “*violence*” is defined as including all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse. This definition covers exposure of children to violence in the home, communities, schools, institutions, workplaces, and in development and emergency settings. Violence is understood to occur not only between adults and children but also between children. Violence shall be used as a general term encompassing all forms of violence, abuse, neglect and exploitation. Gender aspects of violence will be addressed as part of the integrated approach and due account will be taken of the different risks boys and girls face in respect of violence and of the different consequences of violence for girls and boys. All children within the jurisdiction of States regardless of their sex, race, colour, language, religion, caste, class, disability or other status, national or social origin, political or other opinion should be protected from all forms of violence and discrimination.

## 3. Strategic Objectives:

By 2015, Governments of South Asia will have reached the objectives and measured progress through the use of the indicators below. Progress on output indicators will be reported on an annual basis and submitted to the SAIEVAC Secretariat and Board.

### 3.1 Objective 1: Regional Cooperation

Member States will exchange experiences and good practices, provide each other mutual assistance, facilitate implementation of regional agreements and coordinate and cooperate to capitalize on the experiences of States to end violence throughout the South Asian Region.

#### Indicators:

- # of technical meetings organized by SAIEVAC to support States
- # of meetings organized by SAIEVAC to share experiences and best practice throughout the region
- # of reports and publications produced on experiences and best practices
- # of technical papers and recommendations made to SAARC

### 3.2 Objective 2: National Strategy

By 2015, All States have developed and started implementing a comprehensive national strategy, policy, or plan of action on violence against children which is integrated into the national planning process with realistic and time-bound targets, adequate resources and is coordinated and monitored by a nodal agency that has the human and financial capacity to involve multiple sectors.

#### Indicators:

- By 2011, # of States that have developed and adopted a national plan of action to end violence against children that specifies the role of each ministry at every level of government and identifies and secures adequate resources for implementation, has time bound realistic targets

- By 2011, # of States with a nodal agency with primary responsibility for the protection of children against violence which has assumed a key coordinating and monitoring role including budgeting and allocation of resources
- # of states with adequate funding and human resources to implement the national strategy and plan of action

### 3.3 Objective 3: Legislative Measures

By 2015, all States have developed and are enforcing national legislative measures to prevent, prohibit and eliminate all forms of violence against children in all settings including in the families, in schools, in communities, workplaces, institutions and emergency situations and brought national laws, bylaws, policies, regulations, plans and programmes in line with the UNCRC and other International and Regional legal instruments and agreements.

#### Indicators:

- # of States conducting a consolidated review which identifies gaps and proposes recommendations on national policies, legislations and practices to address violence
  - # of States who have adopted legislation to end all forms of violence against children in all settings including prohibiting all forms of sexual violence and abuse, corruption of children and solicitation of children for sexual purposes, prohibiting corporal punishment and all other cruel, inhuman or degrading treatment or punishment of children, both physical and psychological, prohibiting all harmful traditional and customary practices, such as early and forced marriage, honour killings and bondage, prohibiting exposure of children to violent and harmful content, irrespective of its origin and through any medium, prohibiting female feticide and child sacrifices and prohibiting all forms of exploitation of children through the use of new technologies.
  - # of States who are enforcing legislation that bans violence against children
  - # of States where perpetrators are held accountable in a court of law for their crimes and punished according to law and in the best interests of the child
  - # of States where national laws obligate the respect of the right of the child to be heard and to attribute due weight to children's views
- # of States where birth registration is mandatory and free of cost and can be done by mothers
- # of States that have free and compulsory education

### 3.4 Objective 4: Prevention

By 2015, all States have measures in place to prevent all forms of violence against children in all settings, which address underlying causes as well as more immediate risk and protective factors

#### Indicators:

- # of States that have mechanisms in place to identify risk factors as well as children and families at risk
- # of States that have allocated adequate resources to address risk factors in order to prevent violence against children
- # of States that have legislation and policies in place that address gender and other inequalities such as those based upon national or social origin, language, religion, and

ability/disability or # of States that are implementing legislation and policies that address gender and other inequalities

- # of States that have economic and social policies in place that address poverty or # of States that are implementing economic and social policies that address poverty
- # of States that promote social norms which do not condone violence against children and which promote non-violent values

### **3.5 Objective 5: Data Collection**

By 2015, all States have developed and started implementing systematic national research and consolidated data collection, analysis, and dissemination systems disaggregated by sex, race, language, religion, caste, class, disability or other status, national or social origin, to inform evidence-based effective action, mobilize adequate resources and assess progress achieved.

#### **Indicators:**

- # of States who have established national databases with data collection systems at local, district and national level which include children's births and deaths, children entering or leaving institutions, on persons convicted of violent offenses against children and other child protection issues
- # of States who have carried out baseline interview studies with representative groups of children, parents and other caregivers to identify the experience of children of all forms of violence
- # of States who are collecting quantitative and qualitative data on the length and outcomes of judicial proceedings involving children are collected
- # of States who have agreed regional standards for data collection to ensure comparability of data

### **3.6 Objective 6: Professional Training and Learning**

By 2015, all States have built the capacity of all professionals who work with or for children (for example social workers, counselors, foster carers, police officers, lawyers, judges, teachers, health care professionals, school principals, youth works, people employed by detention facilities and child-care institutions, immigration and humanitarian workers, government officials/policy makers, etc.) to improve prevention, detection and response.

#### **Indicators:**

- # of States with regular in-service training on child protection is in place for all government employees working for and with children such as Ministry officials both national, high-level managers, police, health care professional, lawyers, teachers, caregivers working in state institutions, public information and media specialists, export and import officials, army and border security forces etc.
- # of States that provide short training on prevention and response to all forms of violence against children for politicians, members of parliament and other non-government policy and decision-makers and private sector including Chambers of commerce etc
- # of States with national curriculum regulations for relevant professions should include compulsory, ongoing training on prevention, identification, assessment and reporting of violence against children and the protection and continuity of care to children



- # of States with Bachelors of Social Work or Masters of Social Work programmes
- # of States with child development and child counseling Bachelors and Masters programmes
- # of States employing social workers as government employees
- # of states that provide short training on prevention and response to all forms of violence against children for religious institutions, their leaders and related opinion makers.

### 3.7 Objective 7: Child Care Standards

By 2015, All States have developed standards for all caregivers of children and for alternative care options such as community-based care and regulations for institutions, services and facilities for the care, education and protection of children which entails proper case management and regular and independent monitoring.

#### Indicators:

- # of States with regulations and standards in place for institutions, services and facilities for the care, education and protection of children including special education, pre-school and crèche facilities
- # of States annually monitoring all institutions, services and facilities including obtaining feedback from children getting services or living in the institutions
- # of social workers, psychosocial counselors, doctors, nurses, police, judicial officers, caregivers trained in case management
- # of juvenile detention centres operating in each State
- # of institutions, services and facilities who adopt Codes of Good Conduct incorporating the prohibition, prevention and rejection of all forms of violence against children and reporting obligations
- # of States that ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the care arrangement provided

### 3.8 Objective 8: Reporting

By 2015, all States have ensured that all professionals working with or for children (including those working for the State) who suspect acts of violence have been committed against a child are required by law to report the crime. Institutions or facilities in contact with children should be required to investigate allegations quickly and fully. Reporting systems should be safe, well publicized, confidential, accessible and child friendly, allowing children, their representatives and others to report violence against children.

#### Indicators:

- # of States with mandatory reporting systems in place
- # of States with a national toll-free child helpline
- # of States with victim and witness support programmes in place to ensure privacy and confidentiality is maintained

### 3.9 Objective 9: Referral Mechanisms

By 2015, all States have clearly defined procedures for the referral of child victims of violence and the modalities for inter-agency cooperation (that is between social services, education, health, police, prosecution authorities, voluntary and private agencies) following

an assessment of the specific circumstances of each particular victim, given due weight to his/her views, and when it is in the best interest of the child also to her/his parents' or guardians' views.

**Indicators:**

- # of States with procedures in place for the referral of child victims
- # of States with procedures to assess child victims without delay
- # of States with advocacy and support services to encourage children to speak to relevant authorities about their experience of violence
- # of states with trained Best Interest Determinations (BID) committees established
- # of individual cases reported and actions taken to respond to the child victim by individual countries

**3.10 Objective 10: Recovery, rehabilitation and social reintegration**

By 2015, all States have taken all appropriate measures to promote physical and psychological recovery and rehabilitation of child victims and witnesses of violence and their families if necessary, without delay and in an environment that fosters children's health, self-respect and dignity.

**Indicators:**

- # of States with accessible, child-friendly and universal recovery and reintegration services including legal, health and social services, are provided to all child victims of violence
- # of States with services which follow a multidisciplinary and multi-agency approach

**3.11 Objective 11: The Justice System**

By 2015, all States have judicial systems that pursue the best interests of the child and respect the rights of the child including the child's right to protection from violence.

**Indicators:**

- # of States with child friendly judicial systems which protect the privacy of children when necessary
- # of States who expedite judicial proceedings involving children
- # of States with free legal aid provided to child victims, witnesses and perpetrators of violence
- # of States with a minimum age of criminal responsibility set at a minimum of 12 years
- # of States with alternatives to institutional care for child perpetrators
- # of states that have social workers and case workers to support with judicial enquiries and enforcement agencies.

**3.12 Objective 12: Education and Awareness Raising**

By 2015, all States have made information on the rights of the child and child protection widely known to both adults and children through awareness raising, public information and media campaigns. Additionally, South Asian governments focus campaigns to address

specific national issues (such as early marriage, corporal punishment), breakdown misconceptions and change societal behaviour.

**Indicators:**

- # of awareness raising campaigns in each country addressing causes and consequences of early marriage, corporal punishment, sexual abuse and exploitation, trafficking and child labour
- # of awareness raising campaigns conducted to educate parents, caregivers and communities on positive discipline techniques, non-violent values and the consequences of corporal punishment
- # of awareness public education campaigns which teach caregivers how to give care

**3.13 Objective 13: CHILD AND CIVIL SOCIETY PARTICIPATION**

By 2015, all States support the meaningful and active participation of civil society, children, and young people so that they can prevent and monitor violence against children, make recommendations to end violence against children and be involved in decision-making processes for actions to end violence against children.

**Indicators:**

- SAIEVAC establishes one regional forum for children's participation
- # of States with a national forum for children's participation
- # of States with national forum for civil society participation
- # of states that have established awards, recognition and prizes for pioneers, leaders and child rights activists including children

**4. Issue Based Action**

The issues of early marriage, sexual abuse and exploitation, trafficking, corporal punishment, and child labour are seen as extremely critical issues that are affecting children throughout the region. Gender and discrimination are cross-cutting issues throughout all areas. Additionally, lack of birth registration is an important and is a preventive measure for many forms of violence. Birth registration provides an official record of a child's existence, nationality and age and is considered a fundamental human right under Article 7 of the UNCRC and should therefore be made mandatory and free of cost in all countries in South Asia. For more information about the severity of these issues in the region please see ANNEX 1. All South Asian Governments commit to implement the following recommendations and report back to SAIEVAC using the indicators provided. All recommendations are in line with the 'SAARC Convention on Regional Arrangements for the promotion of child welfare in South Asia' and the UNCRC.

**4.1 Expected Result: Early Marriage**

By 2015, All States have raised the legal age of marriage for both boys and girls to 18 and implement article 4(3)(d) of the SAARC Convention on Regional Arrangements for the promotion of child welfare in South Asia.

**Indicators:**

1. # of States where 18 is the legal age of marriage for both boys and girls

2. # of States who show a percentage decrease in number of early marriages nationally
3. # of States that actively enforce legislation banning forced and early marriage
4. # of States where birth registration is compulsory and free of cost and can be done by mothers
5. # of States where marriage registration is compulsory and free of cost
6. # of States which have defined an age for sexual consent that does not discriminate between boys and girls
7. # of States which have mapped and identified geographic areas where early marriage is still high

#### **4.2 Expected Result: Trafficking**

By 2015, all States have implemented all provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and taken specific measures to protect children from being trafficked

##### **Indicators:**

1. # of States that incorporate the provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution through the implementation of Standard Operating Procedures (SOPs)

#### **4.3 Expected Result: Sexual Abuse and Exploitation**

By 2015, all States have taken the necessary steps to end sexual abuse and exploitation against children by adopting comprehensive legislation, ratifying all relevant international and regional instruments and enforcing a Code of Conduct for telecommunications services (i.e. internet providers, mobile phone companies, internet cafes) and travel and tour outlets to prevent sexual abuse and exploitation.

##### **Indicators:**

1. # of States that have legislation to prohibit all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
2. # of States that are enforcing and implementing legislation that prohibits all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
3. # of States that have ratified the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
4. # of States that have ratified ILO Convention 182 on the Worst Forms of Child Labour
5. # of States that prevent and protect children from exploitation in brothels, dance bars and restaurants and similar establishments
6. # of telecommunications services in each country that have adopted and enforce a Code of Conduct
7. # of travel and tourism industry in each country that have adopted and enforce a Code of Conduct

#### 4.4 Expected Result: Corporal Punishment

By 2015, all States have identified the necessary actions and measures to prohibit all corporal punishment in all settings including law reform and are reinforcing positive parenting practices and positive classroom management programmes.

##### Indicators:

1. # of States that have laws in place to ban corporal punishment in all settings including at home, schools, institutions, workplaces
2. # of parenting programmes developed at national, district, local level.
3. # of teachers and health professionals trained to offer positive parenting counselling services
4. # of parents reached in each country
5. # of States including positive discipline techniques in national teacher training programmes
6. # of teachers trained in positive discipline techniques

#### 4.5 Expected Result: Child Labour

By 2015, States recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development by ratifying ILO Convention 182 on the Worst Forms of Child Labour.

##### Indicators:

1. # of States that have ratified ILO Convention 182
2. # of States that have programmes where children can combine work with educational opportunities
3. # of States that have initiated a Code of Conduct for protecting children in workplaces

#### Monitoring and Evaluation Framework

##### The overall objectives of the SAIEVAC M&E framework are:

1. To measure and demonstrate the impact of SAIEVAC
2. To measure progress against expected results on regular basis
3. To ensure quality of SAIEVAC's work
4. To ensure effective and appropriate use of the financial and human resources
5. To hold SAIEVAC accountable to Member Governments, SACG, children, donors and partners
6. To clarify roles and responsibilities for M&E

##### The Monitoring and Evaluation of SAIEVAC activities will be done against:

1. The Strategic objectives and indicators as defined in the workplan
2. The expected results and indicators under each thematic issue including: violence against children, child protection systems, trafficking, early marriage and sexual abuse and exploitation, corporal punishment, child labour

**The Monitoring and Evaluation will consist of:**

1. 1 Annual Report indicating main achievements and activities at country and regional level, giving the rational for deviations in progress and recommendations for the next years plan
2. 1 Annual Learning Review at regional and national level including a range of stakeholders such as government, civil society, children organisations
3. 1 annual financial audit conducted by independent audit company for SAIEVAC Secretariat
4. 1 Mid-Term Review of SAIEVAC objectives and impact after 2 years of implementation of the SAIEVAC Plan
5. 1 final Evaluation involving government, civil society and children by December 2015

**The Roles and Responsibilities within the reporting process:**

1. SAIEVAC Secretariat will be responsible for providing an annual progress report to the board showing main achievements reached against the plans and rational for deviation
2. SAIEVAC Coordinators report annually on progress within country to the SAIEVAC Secretariat
3. SAIEVAC Secretariat will be responsible for coordinating the annual learning review undertaken by the SAIEVAC National Coordinators and consolidating the report for submission to the board
4. The SAIEVAC Secretariat will facilitate the annual audit
5. The Board is responsible for conducting the Mid-Term Review and the Evaluation
6. SAIEVAC Board shares progress internally and externally to key stakeholders including SAARC through strategic communication

*Note: If integrated into SAARC, SAIEVAC will follow SAARC monitoring and evaluating processes*

**Key Advocacy Messages**

1. **Implement credible national plans.** Governments of South Asia need to implement national plans for ending violence against children. Some of these plans exist on paper but are not properly implemented; in other cases plans will need to be developed or strengthened. National plans should focus on creating an integrated and holistic approach by developing child protection systems that respond to violence from the prevention stages through to rehabilitation and reintegration of children. Donors, international agencies, and local and national NGOs should assist in the development of plans and implementation.
2. **Legally ban all forms of violence in all settings.** The legal prohibition of violence is important as it conveys a clear message of political commitment to prevention work and the use of non-violent alternatives for conflict resolution. It constitutes a vital safeguard for child victims and witnesses, being a strong reference for capacity-building initiatives and the development of guidance and codes of conduct for professionals working with and for children. Law reform gains renewed value when used in support of public information and awareness-raising activities, for promoting positive discipline, ending harmful practices, social mobilization and behavior change.

3. **Mobilise additional resources.** Governments need to mobilize additional resources to address all issues of violence in a comprehensive manner so that services reach marginalized populations. Donors, international agencies, and local and national NGOs should support this process.
4. **Recognise violence goes beyond the physical.** Violence is multidimensional and includes both physical and psychological abuse, neglect and exploitation. It calls for a holistic approach to the treatment of the circumstance of the violent incident, towards the child and towards the perpetrator (s). The best interest of the child must be viewed in this context when designing societal reactions and responses.
5. **Understand that both boys and girls experience violence.** It is a common misconception in South Asia that only girls suffer from violence and that boys are able to protect themselves. In fact it has been shown that boys also experience violence and in some setting may be more vulnerable to violence. Governments need to ensure that legislation and programmes protect and prohibit violence against both boys and girls and address their particular needs in different settings.

### **Key issues to be addressed in South Asia**

#### **Early Marriage**

Early marriage is rampant in South Asia with 46 per cent of young women reporting being married before the age of 18. Early marriage usually occurs because of poverty and the lack of economic opportunities for girls in rural areas. Girls are either seen as an economic burden or valued as capital for their exchange value in terms of goods, money or livestock. Early marriage may also be seen as a way of protecting young girls and ensuring their security. Research has shown that child brides are often more likely to experience domestic violence and sexual abuse and least likely to take action against this abuse. They attain lower schooling, lower social status in their husbands' families, have less reproductive control, and suffer higher rates of maternal mortality. They are often forced out of school without an education and experience health problems as their bodies are too immature to give birth.

#### **Sexual abuse and exploitation**

The most hidden and underreported form of violence against children and youth is sexual abuse. Sexual abuse affects both boys and girls and often happens within the family, in schools and the community, in the majority of cases (outside armed conflict zones) perpetrated by someone familiar to the child. Additionally, commercial sexual exploitation of children continues to be one of the most pervasive violations of children's rights in South Asia and includes child abuse through child prostitution, sex tourism, child pornography, internet pornography and trafficking. Recent studies provide evidence of sexual exploitation of boys to a much larger extent than previously recognized. The victims of exploitation and abuse are also at high risk of sexually transmitted diseases (STDs). Sexual abuse and exploitation are seldom reported because of a lack of child protection services, a lack of awareness-raising of them as human rights violations and crimes and because of the stigma faced by victims of such abuse and exploitation.

#### **Trafficking**

The criminal and clandestine nature of trafficking makes it difficult to gather reliable data but child trafficking is widespread in South Asia, and include both internal trafficking and trafficking across international borders. Victims of trafficking end up in various forms of abuse and human rights violations including sexual and economic exploitation, i.e. doing domestic work, working in factories, on the streets, or in other forms of hazardous labor

that come in the way of the children's enjoyment of rights and fundamental freedoms. A common feature of child trafficking is that young girls and boys are often trafficked from rural communities to urban areas. Traffickers are motivated by financial gain, and sometimes lure young girls into sex work on false pretenses. Children are vulnerable to being trafficked if they are poor or because of a high rate of unsafe migration, weak law enforcement, insufficient household income, ill-treatment and physical abuse at home and in the community, parental alcoholism, lack of food, and forced marriages. When children without birth registration and identity proof are trafficked tracing them becomes extremely difficult. In most of the countries in the region, birth registration is still difficult to obtain as seen by the fact that 36% of South Asia's children are unregistered at birth.

The governments of South Asia have committed themselves through ratification of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution( 2002) to tackle the issue. As part of a coordinated regional response, the governments have also committed to implement a SOP (Standard Operating Procedures) for effectively implementing the SAARC Convention.

### **Corporal Punishment**

Violent punishment of children is now recognised as a human rights violation. The Committee on the Rights of the Child and other human rights Treaty Bodies systematically recommend prohibition of corporal punishment and other humiliating forms of punishment in all settings including the home/family. Explicit prohibition was also recommended by the UNSG's Study on Violence against Children. South Asian States committed to prohibiting all corporal punishment following the Study's 2005 regional consultation and the follow-up meeting in 2006. Corporal punishment is widely practised at home and in schools, other institutions and penal systems for young people, as well as in situations of child labour. It remains socially accepted throughout the region, as it does in all regions of the world, except in the few countries where it has been prohibited and systematically challenged through sustained public, teacher and parent education. Corporal punishment in the form of hitting, slapping, kicking, beating, pulling hair, etc., and other forms of humiliating punishment are not as yet generally perceived as abusive. There is inadequate teacher training and parent education, promoting positive, non-violent forms of discipline. The persisting legality and social approval of violent punishment is the most symbolic reflection of children's low status in societies, as possessions rather than individual people and rights-holders. Ending this legalised violence against children is not only a human rights imperative, it is also an essential strategy for reducing and eliminating all other forms of violence against children. No state can claim it has an effective child protection system while its laws still authorise and defend corporal punishment.

### **Child Labour**

In South Asia, around 44 million or 13% of all children are involved in child labour. Economic exploitation is seen as one of the most common forms of violence in the region. Children often work long hours with little or no pay. There is a great deal of commonality across the South Asian countries in the forms of child labour, most notably in the areas of children in hazardous child labour, child domestic labour, children in export oriented industries, child bonded labour particularly in agriculture, and child labour in the informal economy, particularly in urban areas. Children not only face occupational hazards like handling heavy machineries or chemicals in their workplaces, but are also vulnerable and subjected to physical and sexual abuse. Additionally, these children are usually denied educational opportunities, which leads to a cycle of poverty and vulnerability.



## **Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region, November 2010**

1. We, the delegations of Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Democratic Republic of Timor-Leste, Federated States of Micronesia, Fiji, India, Indonesia, Kiribati, Lao People's Democratic Republic, Malaysia, Republic of Maldives, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Sri Lanka, Thailand, Vanuatu and Viet Nam, assembling to build strong cooperation and effective networking at the High Level Meeting for South-South cooperation for Child Rights in the Asia Pacific Region in Beijing, China, on 4-6 November 2010:

Acknowledge with gratitude the excellent arrangements put in place for the consultations by the Government of the People's Republic of China as hosts, and the support of the United Nations Children's Fund (UNICEF);

Note with satisfaction the positive engagement of the 28 participating governments at the High Level Meeting in exploring potential areas of future intra and inter-regional cooperation to advance, promote and protect the rights of child, within the framework of South-South cooperation; and

Welcome the active participation of a number of partner organizations in Beijing with great interest in strengthening cooperation for the promotion of child rights in the Asia Pacific Region, namely the Secretariat of the Pacific Community (SPC), Asian Development Bank (ADB) and United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP).

2. We reaffirm our commitment to the realization of all rights of all children within our respective national jurisdictions, as expressed in our universal ratification of the Convention on the Rights of the Child and wide ratification of its two Optional Protocols: (i) on the Involvement of Children in Armed Conflict, and (ii) on the Sale of Children, Child Prostitution and Child Pornography, and of the Convention on the Elimination of All Forms of Discrimination Against Women, and other relevant human rights instruments.

3. We remain firmly committed to accelerate our ongoing efforts to achieve progress against internationally agreed development goals, including those contained in the Millennium Declaration, the Declaration and Plan of Action emerging from the United Nations General Assembly Special Session on Children in 2002, and the World Fit for Children +5 Declaration agreed at the December 2007 Special Session on Children.

### **Status of Children in Asia and the Pacific**

4. We welcome the substantive progress that has been achieved by countries across the Asia Pacific Region in meeting the Millennium Development Goals (MDGs) and in advancing the situation of our children, in particular. We acknowledge, however, the challenges remaining for many countries over the next five years, as reflected in the 20-22 September 2010 High-level Plenary Meeting on the Millennium Development Goals at the sixty-fifth session of the United Nations General Assembly. We recognize that despite the development gains achieved in recent years, large numbers of children in Asia and the Pacific still do not have access to quality education and health care. We also recognize the urgent need to address issues of hunger, malnutrition, maternal and neo-natal mortality, child protection and income and social disparities, in particular.

## Prospects for Greater South-South Cooperation

5. We acknowledge that, building on the series of earlier regional high-level consultations that began in 1991, the Beijing High-Level Meeting on Cooperation for Child Rights in the Asia Pacific Region provided a valuable opportunity for countries of the region to share good practices and lessons learned in support of the realization of child rights. We welcome the presentations by governments on their experiences in addressing each of the three main conference themes: (i) the development of a systems approach to child protection and child welfare in the Asia Pacific region, (ii) the achievement of the MDGs with equity – country experiences in the Asia Pacific region, and (iii) saving and enhancing children’s lives through enhanced disaster risk reduction (DRR) in the Asia Pacific region. We note that these three conference themes represent issues of growing significance in the region, and areas where greater cooperation within a South-South framework would potentially deliver significant benefits for the countries adopting this declaration.

6. We endorse the outcomes of the 2009 High-Level United Nations Conference on South-South Cooperation in Nairobi, Kenya. We reaffirm that South-South cooperation should be advanced as “a partnership among equals, based on solidarity”, and be guided by the principles of respect for national sovereignty and ownership, free of any conditionality. We note that the Nairobi Outcome Document emphasizes that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and urges United Nations funds, programmes and specialized agencies to take concrete steps to support South-South cooperation by facilitating this cooperation and strengthening the capabilities of regional organizations.

7. We are convinced that, despite the great diversity represented by the 28 Asia Pacific countries participating in the Beijing High-Level Meeting, the people of the region share much in common, have strong mutual interests in socio-economic and human development, and have much to gain from closer cooperation. The Asia Pacific region is home to people from a vast array of different cultures and civilizations, ethnicities and languages and includes countries, and regions within countries, with wide differences in per capita income and greatly varying populations. We reaffirm that child rights are fundamental to all cultures and societies, and that protection, respect, promotion and fulfillment of child rights are vital for economic growth and human development.

## Sharing Lessons Learned

8. We recognize that there are a number of examples where South-South cooperation in the Asia Pacific region contributed to important development gains. Cooperation through regional organizations such as the Association for South-East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the Secretariat of the Pacific Community (SPC) have, for example, helped produce greater economic integration, a more stable security environment and a stronger political voice in global affairs for the countries of South-East Asia, South Asia, and the Pacific respectively. We note positively that a number of countries in the Asia Pacific region are already working together to advance children’s rights, due to their mutual interest in improving the situation of children, and the potential value of exchanges with countries that have recent and relevant experience in addressing similar development challenges.

9. We acknowledge the growing number of complex cross-border issues affecting children, such as trafficking, drug abuse, the spread of infectious disease such as HIV and AIDS, and irregular migration, where effective solutions can only be achieved through broad and concerted action from multiple countries. We note with appreciation the

examples of best practice and lessons learned featured in country panel presentations and supporting papers on South-South cooperation for child rights.

10. We affirm that these consultations in Beijing, in addition to providing a platform for sharing best practices and lessons learned on child rights among countries of the Asia Pacific region, also represent a starting point in considering new opportunities for South-South exchanges to advance child rights for mutual gains. Drawing on the examples highlighted during the High-Level Meeting, we commit to pursue new opportunities for South-South cooperation in the Asia Pacific region to advance child rights.

### **Child Protection and Child Welfare in the Asia Pacific Region**

11. We note with concern that, despite the efforts of governments across the region to take concrete steps to ensure the protection of children, children in the Asia Pacific Region continue to face serious child protection challenges, including violence and abuse, child trafficking, corporal punishment, child pornography, neglect, early marriage, rigorous imprisonment, child labour and exploitation and discrimination related to HIV/AIDS.

12. We recognize that the challenges in developing a comprehensive child protection and child welfare system are significant, and note the growing body of evidence which highlights not only the impact of violence, abuse, exploitation and neglect on the individual child's development and capacities, but also the longer-term costs of such impacts to the socio-economic development of society as a whole.

13. We recognize the need to pursue an approach that is focused primarily on prevention in the first instance and which ensures sustainability, cost efficiency and effectiveness. We advocate that such a systematic approach to addressing child protection concerns should be based on laws and policies that focus on safeguarding children from potential harm, and banning all forms of violence against children, would form the foundation of a national child protection system. We also recognize the value of maintaining the positive aspects of safety nets for children offered by our traditions of communities and extended families.

14. We therefore commit to building and strengthening adequately-resourced national child protection and welfare systems and mechanisms which include the prevention of violence, abuse, neglect and exploitation, the establishment of timely and appropriate responses where protection concerns arise, and mitigation of the impact of such concerns on the lives of children and their families. We agree that building and strengthening a national child protection system is an area where there is considerable scope for countries to learn from each other, not only in developing the legislative and policy framework, but also in terms of implementation and enforcement.

### **Achieving MDGs with Equity: Country Experiences in the Asia Pacific Region**

15. We acknowledge that, while countries across the Asia Pacific region have made significant economic progress over the past two decades, serious and greater efforts are required to ensure that the poorest and most vulnerable children benefit from this progress. We note with concern that national progress on the MDGs is undermined by persisting and growing disparities. Policies and legislation to address these disparities across MDG indicators are urgently needed, and strategies such as geographic and pro-poor focus must be employed.

16. We note the findings of the September 2010 UNICEF global studies *Narrowing the Gaps to Meet the Goals* and *Progress for Children: Achieving the MDGs with Equity* that

the global community could potentially save millions of lives by investing first in the most disadvantaged and at risk children and groups and communities, and that such an equity-focused approach would also help address the widening disparities that are accompanying progress towards the MDGs.

17. We note with appreciation the numerous examples cited by participating governments at the High-Level Meeting of how they have sought to address issues of inequity. We underline that these examples serve to highlight the important potential role of inter and intra-regional cooperation in channeling human and financial resources towards addressing disparities. We, the governments adopting this declaration, commit to do more to share relevant experiences and promote knowledge sharing in creating social safety nets for the poor.

### **Children and Disaster Risk Reduction in the Asia Pacific Region**

18. We acknowledge the rapidly changing climate and the importance of disaster risk reduction (DRR) as a frontline strategy of climate change adaptation, and recognize the vulnerability of children to disasters, and that such vulnerability is being exacerbated by climate change. We also acknowledge that risk mitigation and disaster prevention need to be given as much attention as emergency preparedness and disaster response. Effective DRR can safeguard economic growth, social cohesion and environmental sustainability, while saving lives and livelihoods now and for future generations.

19. We recognize that designing and implementing community-based interventions – with specific attention given to children – and by promoting child-centred disaster risk reduction – which should include the participation of children as key potential resources – will support the outcomes sought by the Convention on the Rights of the Child.

20. We commend the numerous initiatives for progressing community-based and child-centred disaster risk reduction at the national and sub-national level. We urge the greater regional use, coordination and streamlining of such knowledge for the collective benefit of all Asia Pacific countries.

### **Strengthening Cooperation**

21. We note that the Beijing High-Level Meeting also provided an opportunity for participating governments and partner organizations to identify new and existing processes and mechanisms that could usefully support greater intra and inter-regional cooperation among countries of the Asia Pacific to advance child rights. We welcome, in particular, presentations during the plenary session on regional perspectives and partnerships by senior representatives from the SPC, ADB and UN ESCAP on existing mechanisms for cooperation in the region, and those which could be adapted or mirrored to provide a platform for greater cooperation on child rights.

22. We welcome the greater development of triangular exchanges involving countries of both the South and North to advance child rights, and call on UNICEF, other United Nations funds, programmes and agencies and other partner organizations to remain ready to assist this process.

### **Recommendations**

23. Building on the discussions during the High-Level Meeting on Cooperation for Child Rights in the Asia Pacific Region, we undertake to pursue the following goals and

strategies on how we can work together more closely to more fully realize the rights of all children in this region:

**a) South-South Cooperation for Child Rights**

- i. Explore avenues to share, and otherwise make accessible to other countries in the Asia Pacific region, details of individual country experiences - both good practices and lessons learned - to advance children's rights;
- ii. Support the establishment of a central database for sharing knowledge on regional efforts to advance child rights, that will make country experiences more accessible;
- iii. Support the development of a regional strategy for South-South cooperation programmes for child rights.

**b) Child Protection and Child Welfare**

- i. Explore the possibility of establishing a regional forum on inter-country exchange on inter-sectoral delivery of child protection services across technical disciplines, such as among social welfare, law enforcement, justice, health and education;
- ii. Develop a regional dialogue on approaches to child welfare and child protection services which focuses on prevention and encourages the mobilisation of local resources and cultural assets;
- iii. Enhance inter-country exchange and the sharing of good practices in the development of a social work force and their critical role in multi-sectoral approaches to preventing and responding to child protection concerns within a systems-based approach;

**c) Achieving the MDGs with Equity**

- i. Engage in collaboration on how to improve the collection and use of data and evidence that will increase understanding of disparities and their underlying causes;
- ii. Formally assess, present and promote successful country experiences, and examine successful experiences elsewhere in reducing disparities to assess the feasibility of adapting and replicating them;
- iii. Encourage regional-level research studies to examine and review in detail relevant data and literature in support of initiatives designed to reduce disparities;
- iv. Explore the possibility of establishing a regional repository of knowledge, expertise and data on equity issues.

**d) Children and Disaster Risk Reduction**

- i. Pursue concerted strategies, at national and regional levels, to encourage closer coordination among the range of governance, development and risk management institutions in Asia and the Pacific, with the aim of promoting more regular, systematic and results-oriented exchanges of knowledge, skills, resources, technology and information on disaster risk reduction, including child-centred DRR.
- ii. Mainstream community-based and child-centred DRR into regional and sub-regional development approaches, including through greater South-South exchanges on child-sensitive risk assessments, so that risk-informed programme planning is factored into project design, implementation and evaluation as much as possible.
- iii. Increase exchanges among countries and sub-regions in Asia and the Pacific to ensure that practical measures for child-friendly disaster risk reduction are integrated into community-based DRR efforts - recognizing that risks first and foremost are local

phenomena in which communities have a central role in seeking to reduce vulnerabilities and enhance capacity.

### **Follow-up and Future Consultations**

24. We welcome a number of potential mechanisms raised in plenary discussions in Beijing that could provide an effective vehicle to follow-up on our commitments to strengthen cooperation on child rights. We invite UNICEF to collaborate with regional organizations to assist governments in continued monitoring of their progress in meeting the agreed recommendations in this declaration.

25. We reaffirm that the High-Level Meeting in Beijing represented a beginning in more intensive efforts to strengthen and deepen South-South cooperation among countries of the Asia Pacific region to advance children's rights. To that end, we agree to meet again at Ministerial level in India in 2013 to assess progress and advance these issues further.

### **Adoption**

26. We unanimously adopt this, the Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region. We thank the Government of the People's Republic of China, and the people of Beijing, for their warm hospitality as hosts of the meeting, and welcome UNICEF's support for the consultations.

## **African Committee of Experts on the Rights and Welfare of the Child, Special Session on Violence against Children Addis-Ababa, Ethiopia, March 2010**

### **Special Session on Violence against Children**

#### **Statement “*violence against children: Report on progress and challenges*” by Dr Marta Santos Pais, Special Representative of the UN Secretary-General, on violence against children**

1. The Report statement was presented by the Representative of UNICEF Liaison Office to the AUC on behalf of the UN SRSG who was unable to attend due to other commitments.
2. The UNSRSG mentioned that the Committee’s debate was a golden opportunity to lay down a strategic agenda for achieving progress in preventing and combating violence against children within the African region.
3. She further mentioned that the UNSRSG mandate was framed by the UN study on Violence against Children and its strategic recommendations.
4. The UNSRSG mentioned the following as their priority focus areas:
  - Promoting a Strategic Agenda derived from twelve overarching recommendations of the UN Study on Violence
  - The development in each state of a national comprehensive strategy to prevent and respond to all forms of violence,
  - Consolidating Strategic Partnership with certain identified alliances in favour of the protection of children from all forms of violence.
5. Concerning cooperating with key partners, she mentioned the following:
  - Cooperation with intergovernmental and regional organisation and institutions.
  - Cooperation with UN and regional human rights treaty bodies and mechanisms as well as with civil society organisations
6. In conclusion, the UNSRSG suggested in the message strategic ways for promoting the Committee’s work, namely:
  - Development of a strategic agenda of collaboration with the ACERWC to help consolidate an African environment fit for children where violence has no place;
  - ACERWC should provide monitoring that focuses on the protection of children from all forms of violence;
  - Collaboration in an advocacy campaign to call for explicit legal ban on all forms of violence against children, including corporal punishment;
  - Collaboration with key partners (UNICEF and ACPF) to promote the development of an African report on national follow-up to the recommendation of the UN Study on Violence against Children.
  - Presentation on “*violence against children in Africa: the Challenges and priorities for Africa*” by the African Child Policy Forum

7. The presenter informed the meeting that violence remained a pervasive problem hidden from the public view and almost absent from the political agenda. He provided statistical evidence on ACPF studies of children in Uganda, Kenya and Ethiopia suggesting that almost all children under the age of 15 experienced some form of violence at home, at school, in institutions, on the street or at the workplace. The girl child particularly were vulnerable with a huge proportion reporting to have been victims of one form of violence or another including physical, emotional sexual and psychological abuse.

8. He went on to cite the recommendation reached for the attention of the AECRWC as well as the African Union.

- (i) Make violence against children a particular area of concern in national reporting;
- (ii) Establish a programme of cooperation with the UN Special Representative on violence against children;
- (iii) Embark on a major programme of advocacy and action;
- (iv) Promote national policy and legal reforms;
- (v) Put child well-being in general and violence against children, particular, on the political agenda.

9. After the two presentations the participants discussed and recommended that countries should be lobbied to become champions on combating violence against children and that it should be put on the Agenda of AU Head of State Summit.



## Council of Europe Strategy for 2009-2011 adopted by the Committee of Ministers, November 2008

### Introduction

At their 3rd Summit, the heads of state and government of the Council of Europe renewed their commitment to children's rights and asked the Council of Europe:

- to mainstream children's rights in all Council of Europe policies and co-ordinate all Council of Europe activities related to children;<sup>a</sup>
- to eradicate all forms of violence against children, in particular through the launching of a three-year plan of action and specific measures against sexual exploitation of children.

The programme, "**Building a Europe for and with children**" is the Council of Europe's response to this mandate. Launched in Monaco in April 2006, it has strengthened the work on the rights of the child and developed specific tools to prevent and fight against several forms of violence against children.

### Programme "**Building a Europe for and with children 2009-2011: the Stockholm strategy**"

#### I. Programme aim:

The programme aim is:

- to support the implementation of international standards in the field of children's rights by all Council of Europe member states, emphasising authorities' responsibility and accountability at the national, regional and local levels. The programme aims in particular to promote the implementation of the United Nations Convention on the Rights of the Child, highlighting its main principles: non-discrimination, the right to life and development, the best interests of the child as a primary consideration for decision makers, and the right of children to be heard. It also aims to implement the European Convention on Human Rights and the European Social Charter and to promote other existing Council of Europe legal instruments in relation to childhood (participation, protection and rights), youth and family;
- to introduce a child rights perspective in all policies and activities of the Council of Europe and to support such an approach within the member states. The child rights perspective should be holistic and comprehensive, addressing the rights of the child to "provision, protection and participation"<sup>b</sup> and take into account equality and

<sup>a</sup> In this context the same definition of child is used as in the UN Convention on the Rights of the Child, that is every human being below the age of 18.

<sup>b</sup> The three Ps, a commonly used clustering of the rights in the Convention on the Rights of the Child, according to Professor Eugeen Verhellen. These include "provision": the rights of the child to access to certain goods and services such as education, health care, an adequate standard of living and social protection; "protection": the right of the child to be protected from all forms of violence, such as maltreatment, abuse and exploitation; "participation": the right of the child to be heard and involved in decision-making.

gender dimensions. The aim is to ensure to all children an adequate standard of living, social protection, the highest attainable standard of health, education, protection from maltreatment, abuse and exploitation, as well as the right to be heard and to be involved in decision making.

## **Strategy for 2009-2011**

### **II. The strategic objectives:**

#### **Mainstreaming and co-ordination**

The programme should continue to promote the mainstreaming of children's rights in all Council of Europe policy areas and to co-ordinate all its activities. As a matter of priority, the child rights perspective should be integrated into the following policy areas:

- *democracy*: promotion of children's participation and development of tools to involve children in good governance, including through training and capacity building of adults and young people;
- *media*: promotion of measures to disseminate information on the rights of the child to children and the media; promotion of the necessary educational, legal and technical measures to prevent children's exposure to violence and harmful content in the media and to empower children in the information society and enable them to protect themselves against the potential dangers of certain information and communication technologies;
- *family policies*: promotion of family policies in the best interests of the child, including parents' opportunities to reconcile family and work, and follow up to the recommendation on policies to support positive parenting;
- *health*: promote the exchange of experiences with regard to initiatives in health and medical care to increase the involvement of children and possibilities for them to express their opinion, their access to information, good care and to care adapted to their rights and needs.

To facilitate mainstreaming and co-ordination, the Council of Europe should:

- establish an online clearing house on children's rights at the Council of Europe level, with the aim of ensuring that all those working with children have easy access to information concerning standards, decisions of monitoring bodies, policies, materials and measures originated within the Organisation;
- reinforce the link with both governments and non-governmental networks;
- consider organising a high-level conference in 2011, to review progress and decide future orientations for the programme.

#### **Promotion of children's access to justice**

In the area of the administration of justice, as in all other areas, the general principles of the Convention on the Rights of the Child provide a decisive, normative and ethical approach to deal with children and ensure the protection of their rights:

- non-discrimination is instrumental to avoid the marginalisation, stigmatisation, traumatising or punishment of any child for reasons such as birth, gender, economic status, race or disability;

- the best interests of the child are a primary consideration to guide any legislative, administrative or judicial decisions, to determine the way proceedings are conducted and to help in addressing any conflict of interests concerning the child;
- the right of all children to life, survival and development should be clearly stated in legislation and become a primary concern for all policies affecting children;
- child participation and the respect for the views of the child are a requirement in all decisions affecting the child, and also a corollary of the consideration of the child as a subject of rights.

The general principles of the Convention on the Rights of the Child constitute core indicators that can be used to assess the extent to which a justice system (whether national or international) is child friendly and effective in the protection and fulfillment of children's rights. These general principles are relevant in civil, criminal and administrative matters, in immigration and refugee law when fundamental freedoms or economic or social rights are at stake, and they are valid for both national and international justice systems.

The Council of Europe should promote children's access to justice notably through:

- the drafting of European guidelines for a child-friendly justice at national level, including the issue of access to national justice;
- measures to improve children's access to international justice and in particular to Council of Europe human rights monitoring mechanisms;
- the development of child-friendly information and education and professional training on children's rights;
- encouraging member states to establish or develop national human rights institutions adapted to the rights and needs of children.

### **Eradication of all forms of violence against children**

The Council of Europe will take on the role of regional initiator and co-ordinator of national and regional initiatives to combat violence against children including corporal punishment of children in all settings and act as the European forum for follow-up to the recommendations contained in the UN Secretary-General' study on violence against children.

In particular, the Council of Europe should:

- implement and follow up the UN Secretary-General' study, in co-operation with the UN Secretary-General's Special Representative on Violence against Children;
- finalise the drafting of the European policy guidelines for national integrated strategies on violence against children and support the adoption and implementation of such strategies at national level;
- promote a cross-sectoral exchange of experiences between countries with regard to effective methods for protecting children from all forms of violence;
- promote ratification and implementation of relevant Council of Europe legal instruments and consider reviewing the list of children-related instruments with the view to evaluating their effectiveness;
- continue the campaign against corporal punishment of children launched in Croatia in June 2008 and also launch comprehensive awareness-raising actions to prevent and combat all other specific forms of violence, such as:
  - sexual exploitation and sexual abuse;

- trafficking of children;
  - violence in the name of honour and traditions affecting children.
- develop specific action to protect particularly vulnerable children (see “Special focus on particularly vulnerable children”).

### **Participation of children and their influence in society**

The Council of Europe should:

- promote children’s access to information concerning their rights and human rights education for children;
- reinforce co-operation between children’s rights programme and the youth sector, building upon the youth sector’s expertise in the field of participation and making use of the platform offered by the European Youth Forum;
- promote awareness raising on the right of the child to participate in decision-making processes and facilitate the exchange of experience and good practices with regard to:
  - various forms and methods of achieving child participation and of promoting dialogue between decision makers at all levels on the one hand, and children and young people on the other;
  - methods for children’s participation in individual decisions that concern them, such as in courts, the social services, schools and health and medical care;
  - positive parenting and family policies, acknowledging that child participation is crucial, including in the home setting;
- examine the possibility to update existing recommendations of the Committee of Ministers on children’s participation and influence in society,<sup>c</sup> or envisage the possibility of a new recommendation on this subject;
- launch a pilot project with volunteer countries to analyse participation policies and extract good practice and guidance for all those wishing to promote participation at local and national levels.

### **Special focus on particularly vulnerable children**

When developing, implementing and evaluating activities, due consideration should be given to the rights and needs of particularly vulnerable children, notably in the context of access to education, social, health and legal services, and participation. The following children will receive special attention:

#### **Children without parental care**

- Promote the implementation of the Committee of Ministers Rec(2005) on the rights of children living in residential institutions and contribute to the exchange of experience within the field of the rights of children-in-care;
- in the context of migration, address the needs of children left in the countries of origin when their parents migrate;

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<sup>c</sup> Recommendations (97) 3 and (98) 8.

- strengthen the work for the protection of the rights of children in detention centres;
- promote work in the member states to develop measures that ensure that children grow up in a family environment in their original families, in foster homes or via national adoptions;
- promote the ratification and the implementation of the Convention on Adoption of Children (revised).

#### **Children with disabilities**

- Develop a forum for the exchange of experience on alternatives to institutional care and the dismantling of traditional institutions for children with disabilities, and for increasing children's opportunities for community living and develop tools to allow for children's involvement in the discussions;
- in line with the Committee of Ministers recommendation Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society (2006-2015), disability aspects should be mainstreamed throughout the programme;
- help raise awareness of the UN Convention on the Rights of Persons with Disabilities, encourage the member states to become party to and implement it, and further develop their own initiatives and action plans.

#### **Children in or at risk of poverty and social exclusion**

- Promote the support of children living in families with scarce financial resources or who are socially excluded, to prevent children being placed in care because of financial vulnerability or leaving home and thereby risking becoming victims of exploitation or living on the streets;
- develop measures to promote the rights of children belonging to national or ethnic minorities, and to prevent and actively combat discrimination against them;
- promote work with local authorities to address the problem of children living on the street;
- propose specific measures to promote the rights and address the needs of children seeking asylum, refugee and migrant children and, more generally, all unaccompanied children.

# **Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence adopted by the Committee of Ministers, November 2009**

## **Recommendation CM/Rec (2009)10**

### **1. Executive summary**

In line with the recommendations of the United Nations Committee on the Rights of the Child and of the United Nations Secretary-General's Study on Violence against Children, these guidelines promote the development and implementation of a holistic national framework to safeguard the rights of the child and to eradicate violence against children.

The guidelines refer to the definitions of "children" and "violence" as contained in Articles 1 and 19, respectively, of the United Nations Convention on the Rights of the Child (hereinafter referred to as UNCRC).

The guidelines are based on eight general principles (protection against violence, the right to life and maximum survival and development, non-discrimination, gender equality, child participation, a state's obligations, other actors' obligations and participation, best interests of the child) and four operative principles (multidimensional nature of violence, integrated approach, cross-sectoral co-operation, multi stakeholder approach). These have been mainstreamed throughout, including into sections on integrated national, regional and local action; education and awareness-raising measures; legal, policy and institutional frameworks; research and data collection.

The guidelines support the promotion of a culture of respect for the rights of the child, based on an in-depth knowledge of the rights of the child and an understanding of children's vulnerabilities and capacities. The primary target group includes all relevant professionals in contact with children.

The guidelines' core recommendations call for the development of an integrated national strategy for the protection of children from violence. The strategy is understood as a multi-faceted and systematic framework fully integrated into a national policy for the promotion and protection of the rights of the child, with a specific timeframe, with realistic targets, co-ordinated and monitored by a single agency (where possible, and in conformity with national regulations), supported by adequate human and financial resources and based on current scientific knowledge.

The guidelines encourage the setting up of child-friendly services and mechanisms. These are understood as safeguarding the rights of the child and pursuing children's best interests. An important recommendation calls for the mandatory reporting by all relevant professionals of incidents of violence against children.

The guidelines recommend strengthening international co-operation to prevent violence against children Europe-wide.

### **2. Aims, scope, definitions and principles**

#### **2.1. Aims**

The aims of these guidelines are to:

- a. protect the rights of children, in particular those who are victims of violence;

- b. prevent and combat all forms of violence against children;
- c. promote the adoption, implementation and monitoring of integrated national strategies for the protection of children from violence;
- d. reinforce international co-operation to safeguard the rights of the child and to protect children from violence.

## 2.2. Scope and definitions<sup>a</sup>

1. “Child” shall mean any person under the age of 18 years, including child victims, witnesses and perpetrators of violence.
2. In line with Article 19 of the UNCRC, “violence” is defined as including all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse.<sup>b</sup> This definition covers the exposure of children to violence in the home and elsewhere. Violence is understood to occur not only between adults and children but also between children.

## 2.3. Principles

### General principles

#### Protection against violence

All children have the right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.<sup>c</sup>

#### *The right to life and maximum survival and development*

Every child has the inherent right to life and to survival and development to the maximum extent possible.<sup>d</sup>

#### Non-discrimination

All children regardless of their sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status, should be protected from all forms of violence and be provided with such care and assistance as to ensure to the maximum extent possible their survival and development.

#### Gender equality

Gender aspects of violence should be addressed as part of the integrated approach to violence, and due account should be taken of the different risks girls and boys face in respect of violence and of the different consequences of violence for boys and girls.

<sup>a</sup> Also, refer to Appendix 2 – Glossary of terms.

<sup>b</sup> Also, refer to the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict.

<sup>c</sup> Article 19, UNCRC.

<sup>d</sup> Op. cit., Article 6.

**Child participation**

1. Children have the right to express themselves freely on all matters affecting their lives, and their views should be given due weight depending on the child's age and maturity.<sup>e</sup>

Child participation entails in particular:

a. supporting children's expression of their views and respecting and taking into consideration the views of the child in all situations affecting her or him;

b. providing the child with the opportunity to be heard in any judicial, administrative or extrajudicial proceedings.

2. Children should be actively engaged in and empowered, according to their evolving capacity and with their informed consent, to participate meaningfully in the planning, implementation and evaluation of policies and programmes to prevent violence. The state and other appropriate actors should listen carefully to children's views in the light of the contribution that the child's perspective can bring to the quality of solutions under examination.

**A state's obligations**

1. The state has the paramount responsibility to uphold the rights of the child and to protect all children within its jurisdiction from all forms of violence, however mild, at all times and in all settings.<sup>f</sup> States should invest in evidence-based policies and programmes, guided by the child's best interests, to address factors that give rise to violence and to respond effectively when violence occurs.

2. Recognising the central role that families play in children's development and well-being and in the safeguarding of their rights, including the right to protection from all forms of violence, the state should support families in their child-rearing role by:

a. providing for a network of accessible, flexible and quality childcare services;<sup>g</sup>

b. facilitating positive reconciliation of family and working life;

c. drawing up programmes to improve parental skills and to foster a healthy and positive family environment;<sup>h</sup>

d. incorporating a child rights perspective at all levels of the budgetary process.

*Other actors' obligations and participation*

The responsibility to prevent violence against children also extends to all services, institutions and professionals working for and with children, parents and the extended family, the media, private sector, religious communities and civil society.

*Best interests of the child*

In all actions affecting children, including those to protect them from all forms of violence, the best interests of the child should be the primary consideration.

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<sup>e</sup> Op. cit, Article 12

<sup>f</sup> Ibid., Article 19.

<sup>g</sup> Refer to Recommendation Rec(2002)8 of the Committee of Ministers on child day-care.

<sup>h</sup> Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.



## Operative principles

1. Violence against children is multidimensional. This approach presupposes that a combination of factors needs to come into play in order for violence to occur, recur, or cease. It calls for holistic treatment of the circumstances of the violent incident, on the basis of their interdependence, not dealing with a single cause and effect relationship.
2. Prevention of violence requires cross-sectoral co-operation and co-ordination. This involves, in particular, co-ordination across central government departments, across provinces and regions, and between government and civil society.
3. Violence against children demands an integrated (systemic, holistic) approach. This approach allows factors of different orders (cultural, psychological, pedagogical, behavioural, physical, political, socio economic, etc.) to be treated on the basis of common ground. It implies that all programmes and actions aimed at preventing and protecting children from violence, in the broad context of the promotion of the rights of the child, should operate across a range of disciplines and sectors. In the same spirit, the guidelines' sections are interrelated and should be read in conjunction with each other.
4. A multi-stakeholder approach is indispensable for the eradication of violence against children, as this is a responsibility that extends beyond state-controlled bodies and services to include all members of society, such as state institutions, local authorities, non-governmental organisations, professionals, the media, families and children. In the planning, implementation and evaluation of programmes and actions to protect children from violence priority should be attached to:
  - a. building partnerships between families and the state, based on trust and respect for different cultures and traditions;
  - b. engaging in true dialogue with children and progressively building a culture of respect for children's views, including by informing them of the outcome of the processes and explaining how their views were taken into account.

## 3. Integrated national, regional and local action

### 3.1. Integrated national strategies for the protection of children from violence

1. A multidisciplinary and systematic framework (hereinafter referred to as "the strategy") integrated into the national planning process, rooted in the UNCRC and bringing together all stakeholders, represents the most effective response to violence against children that is sustainable over time. The strategy's core element should be a complex of effective and comprehensive primary, secondary and tertiary prevention measures<sup>i</sup> that are child-centred, families-focused, multidisciplinary and oriented towards fulfilling children's and families' needs. The strategy should contain realistic and time-bound targets, be supported by adequate human and financial resources, be based on current scientific knowledge (with regard to what works) and be systematically evaluated.

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<sup>i</sup> Preventive work directed at society at large is known as primary prevention. It prevents violence by addressing broad issues, such as health or education, and reduces risk factors, such as unemployment and social exclusion. Children who run a high risk of being subjected to violence or inflicting violence upon others are targets of secondary prevention. Its examples include measures for children of drug or alcohol abusers, etc. Tertiary prevention attempts to prevent, reverse or limit the consequences of violence that has already occurred. It focuses on victims' and perpetrators' rehabilitation and re-integration.

2. The strategy should rely on cross-sectoral co-operation and co-ordination involving health, education and social sectors, agencies responsible for planning and budgetary appropriations, law enforcement authorities, and the justice system. At national level, an agency with primary responsibility for the protection of children against violence should assume (where possible and in conformity with national regulations) a key co-ordinating and monitoring role. Its capacity to involve multiple sectors in a broad-based action is crucial for the strategy's long-term success.
3. All actors concerned with the promotion and protection of the rights of the child, such as national, regional and local authorities, families, independent human rights institutions, professionals working for and with children, researchers, civil society and the media should be involved in the strategy's design, implementation and evaluation. Children should not only be heard but be empowered to contribute, with their informed consent and according to their evolving capacity, to this multi-stakeholder action. Adequate resources should be made available to ensure children's meaningful participation.
4. Methodologies should be developed to assess progress and evaluate actions foreseen by the strategy at all levels, including the cross-sectoral level. Evaluations should be conducted on a regular basis with a view to identifying policies and measures that are appropriate and effective in preventing and addressing violence.
5. Information on the strategy's implementation should be widely disseminated. The visibility of actions taken to prevent and to address violence should be increased, *inter alia*, through their discussion in elected fora at national, regional and local levels.

### **3.2. Regional and local action**

1. Local action to prevent violence is particularly important in view of its proximity to children and families as end recipients of services. It is at this level that the persons concerned will receive assistance, in line with their needs and characteristics.
2. Whereas national authorities set forth common standards for service provision, it is the regions' and municipalities' obligation to adhere to these standards and to provide for a network of childfriendly services and mechanisms. Responsibilities of regional and local authorities also include the collection of data on violence against children; the development, implementation and monitoring of preventive measures; funding and allocation of premises; etc.
3. National and regional authorities should provide adequate support to local violence prevention programmes in terms of financing, training, evaluation and follow-up. Co-operation and coordination among these levels are indispensable for constant improvements in service delivery and resource optimisation.
4. Community interventions to prevent violence against children, involving all sectors and stakeholders, should be supported. Such interventions could be effected via open platforms, councils or networks bringing together, for instance, municipal authorities, social and health care services, schools, local judiciary, police, migrants' or community associations, faith-based organisations and children and families.<sup>j</sup>
5. Co-operation and co-ordination between municipalities (and regions) should be reinforced, including through the exchange of experiences and good practices.

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<sup>j</sup> Also refer to the handbook "Preventing school violence: a handbook for local partnerships" (Council of Europe, 2005).

6. The appropriately regulated and monitored involvement of the private sector and of nongovernmental organisations should be promoted.

7. As large-scale decentralisation and privatisation of social services are now common in European states, the capacity of regional and local authorities to contribute to the strategy's implementation should be carefully assessed.

#### **4. Building a culture of respect for the rights of the child**

The strategy should have as its main objective the qualitative change in the perception of children and childhood, and of violence against children. This objective can only be achieved when all segments of society have become sufficiently aware of the rights of the child and of the harmful impact of violence on children; when organisational cultures and practices have been strengthened in this regard, and bridges built across professions to afford more and better protection to children; when mindsets have been transformed, including through the means of information and communication technologies; when the underlying economic and social conditions associated with violence have been addressed – in other words it is only possible when a genuine culture of respect for the rights of the child has permeated the fabric of society.

##### **4.1. Education and awareness raising**

1. It is the state's obligation to make information on the rights of the child widely known, by appropriate and active means, to children and adults alike.<sup>k</sup> This entails in particular:

a. incorporating the rights of the child into school curricula and promoting a child rights approach in education at all levels;

b. regular and ongoing training on the rights of the child for all those who work with and for children;

c. raising awareness, by means of public information and media campaigns, on the rights of the child, including the right to be protected from all forms of violence, the right to respect for human dignity and physical integrity and the right to be heard and taken seriously.

2. A clear and unequivocal intolerance of all forms of violence against children, however mild, should be promoted throughout society. Public attitudes rooted in social and cultural norms and traditions which accept, condone or support violence, including stereotypical gender roles, racial or ethnic discrimination, acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful effects that all forms of violence have on children should be made widely known. An understanding of the state's obligations and the individual's responsibility to condemn and prevent violence and to assist child victims should be reinforced.

3. Parents' and carers' knowledge of the rights of the child and of positive parenting practices should be strengthened by all means, including encouraging their enrolment in positive parenting programmes.

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<sup>k</sup> Article 42, UNCRC.

#### 4.2. Professional training

1. The training of professionals working for and with children represents an important long-term investment in children's development and well-being. Therefore, the state and society should value these professions by attributing to them the requisite moral, financial and other forms of public and private support.
2. It is the state's obligation to instil the culture of the rights of the child and responsibility for children into all professionals who come into contact with children through their work (for example, social workers, foster carers, police officers, judges, teachers, school principals, youth workers, people employed by detention facilities and child-care institutions, immigration and humanitarian workers, sports coaches, etc.). To promote knowledge of the rights of the child, relevant courses should be integrated into university and other training curricula.
3. All relevant professionals who in their work come in contact with children should be familiar with the UNCRC and methodologies and approaches, including those required for listening effectively to children, and be trained to work in a diverse ethnic, cultural, religious and linguistic environment.
4. All relevant professionals should have skills to prevent, detect and respond effectively to violence against children. To this end, national curriculum regulations should include compulsory, ongoing training on the prevention, identification, assessment and reporting of violence against children, and the protection and continuity of care of children. The training should pursue a comprehensive approach and prioritise early identification of potential risks to a child's well-being.
5. Specialised training should be offered to professionals working for and with vulnerable groups of children, such as children with disabilities.<sup>1</sup>
6. Bearing in mind the often difficult physical and psychological environment surrounding services assisting children affected by violence, adequate support should be rendered to their staff in terms of supervision, counselling, complementary training and the possibility of setting up professional interest groups.

#### 4.3. Media and the information society

1. Free and independent media, with due respect for their self-regulation, can play a powerful role in building a culture of respect for the rights of the child and act as a natural partner in the strategy's implementation. The media should be encouraged to educate both children and adults in the rights of the child, promote child participation, foster positive parenting practices, strengthen intercultural and interfaith dialogue, and foster non-violent values in society.<sup>m</sup>

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<sup>1</sup> Refer to the United Nations Convention on the Rights of Persons with Disabilities and to Recommendation Rec(2006)5 of the Committee of Ministers on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

<sup>m</sup> Refer to Recommendation No. R (97) 19 of the Committee of Ministers on the portrayal of violence in electronic media and Council of Europe Parliamentary Assembly Recommendation 1466 (2000) on "Media education".

2. The state bears the primary responsibility for the protection of children against harmful media content and for the promotion of children's active participation in the information and communications environment.<sup>n</sup>
3. With regard to the portrayal of violence and the distribution of content potentially harmful to children, those responsible for the media should fully assume their duties and responsibilities which the exercise of their freedom of expression entails. This could be done through the removal of or blocking access to inappropriate material, or through the development of automated content rating systems, the adoption of codes of conduct and standards for content evaluation, the setting up of control mechanisms, the establishment of content complaints systems, etc.<sup>o</sup>
4. In order to meet children's and families' expectations for accessible, secure and reliable Internet services, Internet service providers should be encouraged to supply information on potential risks to their customers' rights, security and privacy online.<sup>p</sup> Co-operation with law enforcement authorities in the investigation of crimes committed through the use of telecommunication technologies should be strengthened.<sup>q</sup>
5. Given the potential impact of online games on the rights and sensibilities of children, game designers and publishers should be encouraged to regularly evaluate policies and practices regarding child safety.<sup>r</sup>
6. The media should be encouraged to build partnerships with all relevant actors in order to:
  - a. develop children's media literacy skills;<sup>s</sup>
  - b. work with child safety experts, policy makers, social services and law enforcement authorities to develop, incorporate and monitor the application of new technologies to protect children from harm online;
  - c. raise media professionals' awareness of the rights of the child and of violence against children.
7. Parents and teachers have a special responsibility as far as children's access to and the use of the media at home and in school is concerned. They may assume this responsibility in various ways, including by conscious and selective use of the media,

<sup>n</sup> Refer to recommendations CM/Rec(2009)5 of the Committee of Ministers on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, and CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters; the Committee of Ministers' 2008 Declaration on protecting the dignity, security and privacy of children on the Internet; European Court of Human Rights, judgment in *K.U. v. Finland* (2009), application No. 2872/02, and admissibility decision in *Perrin v. the United Kingdom*, application No. 5446/03.

<sup>o</sup> Also refer to Recommendation Rec(2001)8 of the Committee of Ministers on self-regulation concerning cyber-content.

<sup>p</sup> Council of Europe Guidelines to assist Internet service providers in their practical understanding of, and compliance with, key human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).

<sup>q</sup> European Court of Human Rights, *K.U. v. Finland*, 2009.

<sup>r</sup> Refer to Council of Europe Guidelines to assist online game providers in their practical understanding of, and compliance with, human rights and fundamental freedoms in the information society, in particular with regard to Article 10 of the European Convention on Human Rights (2008).

<sup>s</sup> Refer to Recommendation Rec(2006)12 of the Committee of Ministers on empowering children in the new information and communication environment.

stimulation of children's critical attitudes, restriction of access to content that may adversely affect children's physical, emotional or psychological well-being, etc.

8. The establishment of the media by children and with children, for purposes including the elimination of violence, should be strongly encouraged and supported.

## 5. Frameworks

### 5.1. Legal framework

#### Compliance with UNCRC and other international standards

1. All member states of the Council of Europe are parties to the UNCRC and are bound to implement its provisions and to act in accordance with its principles. All reservations incompatible with the UNCRC's object and purpose should be withdrawn.

2. At global and regional levels numerous instruments have been adopted to safeguard the rights of the child and to protect children from various forms of violence.<sup>t</sup> Accession to these treaties should be strongly encouraged. Once ratified, they should be effectively implemented and monitored, and national laws, bylaws, policies, regulations, plans and programmes should be brought in line with them.

#### Prevention

The national legal framework should prioritise the prevention of violence and safeguard the rights of the child by taking action, such as:

- a. registering children immediately after birth, subject to national regulations and state obligations under the relevant international treaties in this field;<sup>u</sup>
- b. setting a minimum age of marriage that is not too low and that is applicable to both boys and girls;
- c. setting a minimum age for sexual consent;
- d. prohibiting employment into positions involving child supervision of persons convicted of violent, including sexual, offences against children;
- e. developing intervention programmes and measures to evaluate and prevent the risk of violence against children from being committed;
- f. devising a system to vet fully those working with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name;<sup>v</sup>
- g. integrating in national laws an obligation to respect the right of the child to be heard and to attribute due weight to children's views.

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<sup>t</sup> The non-exhaustive list of relevant international treaties appears in Appendix 3. Appendix 4 presents the list of recommendations adopted by Council of Europe bodies (Committee of Ministers, Parliamentary Assembly and Congress of Local and Regional Authorities of the Council of Europe).

<sup>u</sup> Refer to Article 7, UNCRC.

<sup>v</sup> Refer, for instance, to European Court of Human Rights, *White v. Sweden*, 2006, and *Leander v. Sweden*, 1987.

### Prohibition of violence

The state has an explicit obligation to secure children's right to protection from all forms of violence, however mild. Appropriate legislative, administrative, social and educational measures should be taken to prohibit all violence against children at all times and in all settings and to render protection to all children within the state's jurisdiction. Legal defences and authorisations for any form of violence, including for the purposes of correction, discipline or punishment, within or outside families, should be repealed.<sup>w</sup>

Prohibition should imperatively cover:

a. all forms of sexual violence and abuse, corruption of children and solicitation of children for sexual purposes;

b. all forms of exploitation of children, including child prostitution, child pornography, sexual exploitation in travel and tourism, trafficking, sale of children, illegal adoption, forced labour or services, slavery and practices similar to it, removal of organs, for any purpose or in any form;<sup>x</sup>

c. all forms of exploitation of children through the use of new technologies;

d. all harmful traditional or customary practices, such as early or forced marriage, honour killing and female genital mutilation; e. exposure of children to violent or harmful content, irrespective of its origin and through any medium;

f. all forms of violence in residential institutions;<sup>y</sup>

g. all forms of violence in school;

h. all corporal punishment and all other cruel, inhuman or degrading treatment or punishment of children, both physical and psychological;<sup>z</sup>

i. exposure of children to violence within the families and home.

### The role of corporate actors

Necessary legislative or other measures should be taken to ensure that legal persons can be held liable for offences established pursuant to Article 26 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

<sup>w</sup> Refer to European Commission of Human Rights, admissibility decision in *Seven Individuals v. Sweden*, 1982, application No.8811/79; European Court of Human Rights, *Tyrer v. the United Kingdom*, 1978; *Campbell and Cosans v. the United Kingdom*, 1982; *A. v. the United Kingdom*, 1998; admissibility decision in *Philip Williamson and Others v. the United Kingdom*, 2000, application No. 55211/00.

<sup>x</sup> Also refer to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005/2008), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Articles 32, 34, 35, 36 of the UNCRC and the Palermo Protocol, as well as the International Labour Organisation Convention concerning the Minimum Age for Admission to Employment and Work (ILO C.138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of Worst Forms of Child Labour (ILO C. 182).

<sup>y</sup> Refer to Recommendation Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions.

<sup>z</sup> See footnote 22. Also refer to European Committee of Social Rights, General observations regarding Articles 7 (paragraph 10) and 17, *Conclusions XV-2*, Vol. 1, General introduction, p. 26.

### Sanctions and measures

1. Violent, including sexual, offences against children should be punishable by effective, proportionate and dissuasive sanctions and measures, taking into account the seriousness of the offence.<sup>aa</sup>
2. Those convicted of violent, including sexual, offences against children, as well as those subject to criminal proceedings should be provided with access to effective intervention programmes and measures with a view to preventing and minimising the risks of repeated offences.<sup>bb</sup>
3. In accordance with the principles of social integration and education and of the prevention of reoffending, any justice system dealing with child perpetrators of violence should be integrated with wider social initiatives aimed at ensuring a holistic approach to and continuity of care of such children (principle of community involvement and continuous care).<sup>cc</sup>
4. In accordance with its basic principles, the national legal system should provide for a possibility of not imposing penalties on child victims of violence for their involvement in unlawful activities, to the extent that they have been compelled to do so.

### Aggravating circumstances

Resorting to violence against children should be taken into consideration as an aggravating circumstance in the determination of a sanction. Other circumstances to be taken into account, in so far as they do not already form part of the constituent elements of the offence, should include the abuse of a recognised position of trust, authority or influence over the child, of a relationship based on economic or any other form of dependence, and the involvement in a criminal organisation.<sup>dd</sup>

### Jurisdiction

1. Necessary legislative or other measures should be taken to establish jurisdiction over violent, including sexual, offences against children who are the state's nationals or have their habitual residence on the state's territory.
2. Subject to international treaties' requirements, necessary legislative or other measures should be taken to establish national jurisdiction over violent, including sexual, offences against children committed abroad by the state's nationals and persons who have their habitual residence on the state's territory.<sup>ee</sup> To ensure effective extraterritorial legislation, prosecution of perpetrators and imposition of sanctions, the requirement of double criminality should be abolished and mutual legal assistance facilitated.

### Statute of limitation

With regard to offences identified by Article 33 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the statute of

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<sup>aa</sup> See, for example, Article 27, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>bb</sup> See, for example, *op. cit.*, Articles 15, 16 and 17.

<sup>cc</sup> Refer to Recommendation CM/Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures.

<sup>dd</sup> Also, refer to Article 28 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>ee</sup> Refer, *op. cit.*, to Article 25.



limitation should continue for a period of time which is sufficient to allow the efficient starting of proceedings after the child victim has reached the age of majority and which is commensurate with the gravity of the crime in question.

### **Enforcement**

Legislation safeguarding the rights of the child and protecting children from all forms of violence should be fully and appropriately enforced. To that effect, it should be supported by relevant institutions, including independent national institutions for the rights of the child and independent monitoring mechanisms, human and financial resources, and be accompanied by guidance to all relevant sectors and professionals.<sup>ff</sup>

## **5.2. Policy framework**

### **National child rights policy**

1. The existence of a national child rights policy is crucial for the realisation of the child's right to be protected from all forms of violence. Such a policy initiates, promotes and co-ordinates processes aimed at ensuring that the provisions and principles of the UNCRC permeate all aspects of government policy and all public actions affecting children.

2. All national policies relevant to children's well-being (social policy, health care policy, educational policy, housing policy, etc.) should contribute to the promotion and protection of the rights of the child. Priority should be attached to policies aimed at reducing inequality, poverty and marginalisation; supporting families; addressing unemployment and income gaps; addressing social tolerance, beliefs and values that condone and sustain violence; improving social networks; facilitating social inclusion of migrants and their families. Policies and measures developed in related areas should be properly co-ordinated, and their outputs should be mutually reinforcing.

3. Policies, based on research, evidence, and children's own experiences, should be developed to prevent, detect and respond to violence against children. Particular attention should be paid to the protection of vulnerable groups, such as children with disabilities,<sup>gg</sup> children in or having experienced state care,<sup>hh</sup> children in foster care, abandoned children,<sup>ii</sup> unaccompanied and separated children,<sup>jj</sup> refugee and asylum seeking children,<sup>kk</sup> children belonging to minorities, children working and/or living on the street,<sup>ll</sup> children living in

<sup>ff</sup> See the case law of the European Court of Human Rights including *A. v. the United Kingdom*, 1998, and *Z and Others v. the United Kingdom*, 2001, which require states to ensure adequate legal protection of children from treatment that is inhuman and degrading contrary to Article 3 of the European Convention on Human Rights.

<sup>gg</sup> Refer to Committee of Ministers' Recommendation Rec(2006)5, cited above, and to "Safeguarding adults and children with disabilities against abuse", Council of Europe, 2003.

<sup>hh</sup> Refer to Committee of Ministers' Recommendation Rec(2005)5, cited above.

<sup>ii</sup> Refer to Parliamentary Assembly Recommendation 1601 (2003) on "Improving the lot of abandoned children in institutions".

<sup>jj</sup> Refer to Recommendations CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background and CM/Rec(2007)9 on life projects for unaccompanied migrant minors.

<sup>kk</sup> Also refer to Parliamentary Assembly Recommendation 1703 (2005) on "Protection and assistance for separated children seeking asylum".

<sup>ll</sup> Refer to the Congress of Local and Regional Authorities of the Council of Europe's Recommendation 253 (2008) on "The social reintegration of children living and/or working on the streets".

extreme poverty and disadvantaged or segregated areas,<sup>mm</sup> children in armed conflicts and emergency situations,<sup>nn</sup> children in detention or in conflict with the law,<sup>oo</sup> etc.

### Children and families policies

1. The overall goal of children and families policies should be:
  - a. to support families in their child-rearing responsibilities;
  - b. to prevent, as far as possible, the separation of children from their families;
  - c. to provide for family-like and community-based alternatives to placement of children in institutions that are in the children's best interests; and
  - d. in cases of separation and, when appropriate, to ensure ongoing contact between children and their parents and to support family reunification where that is in the best interests of the child.
2. The promotion of positive and non-violent forms of child-rearing should be central to children and families policies. Positive parenting refers to parental behaviour that respects the rights of the child and children's best interests, nurtures, empowers, guides and recognises children as individuals in their own right. Positive parenting is not permissive but sets the boundaries that children need to help them develop their potential to the full.<sup>pp</sup>
3. Institutionalised care should be used only in a child's best interests, as a matter of last resort, for the shortest possible period of time, and have as the primary objective the child's successful integration and/or re-integration in society.<sup>qq</sup> Children can be placed in institutions only to meet needs that have been established as imperative on the basis of a multidisciplinary assessment.

### 5.3. Institutional framework

1. The sustainable institutional framework required for the strategy's realisation should comprise the following key elements:
  - a. an agency at national level (where possible and in accordance with national regulations) entrusted with the primary responsibility for the protection of children from violence. This authority should play a key co-ordinating and monitoring function as far as the strategy's implementation is concerned and assume overall responsibility in cases of violence against children;
  - b. each public institution contributing to child protection should have a clearly defined role consistent with the strategy's broader goals. Institutions' mandates should have a clear obligation to collaborate with the co-ordinating agency and all other institutions and

<sup>mm</sup> Refer to "Youth and exclusion in disadvantaged urban areas: addressing the causes of violence" (Trends in social cohesion, No. 8, Council of Europe, 2004).

<sup>nn</sup> Refer to Parliamentary Assembly Recommendation 1561 (2002) on "Social measures for children of war in South-East Europe" and its Resolutions 1587 (2007) on "The situation of children living in post-conflict zones in the Balkans", 1215 (2000) on "The campaign against the enlistment of child soldiers and their participation in armed conflicts", and 1212 (2000) on "Rape in armed conflicts".

<sup>oo</sup> Committee of Ministers' Recommendation CM/Rec(2008)11, cited above.

<sup>pp</sup> Refer to Recommendation Rec(2006)19 of the Committee of Ministers on policy to support positive parenting.

<sup>qq</sup> Refer to Article 9, UNCRC, the draft UN Guidelines for the appropriate use and conditions of alternative care for children, and to Committee of Ministers' Recommendation Rec(2005)5, cited above.

actors, including civil society. The different institutions' mandates and the job descriptions of their staff should be linked;

c. an independent human rights institution should be established in line with the Paris principles<sup>rr</sup> to promote and protect the rights of the child (for example, an ombudsperson/commissioner specifically for the rights of the child, established through legislation, either independently or as a focal point within an existing human rights institution). This institution should be accorded such powers as are necessary to enable it to discharge its mandate effectively and independently, including the power to hear any person; obtain any information and/or document necessary for assessing situations falling within its competence; access facilities providing care for children at all times; propose initiatives and measures, including legislative measures; conduct awareness-raising campaigns; disseminate information on the rights of the child, to children in particular; and monitor governments' actions. The institution should be provided with an adequate infrastructure, funding (including specifically for the rights of the child, within broad-based institutions), staff and premises. It should be associated with the strategy's design, evaluation and follow-up;

d. a body, such as an observatory on the rights of the child, a national statistical office or a research institute dealing with children should co-ordinate the collection, analysis management and dissemination of data on violence and promote research to inform the strategy's design and implementation;

e. all institutions providing care and services for children should be accredited and registered with competent public authorities on the basis of relevant legislation and national minimum standards of care. Internal control and independent monitoring mechanisms should be put in place to ensure compliance with the standards;

f. all institutions, services and facilities responsible for the care and protection of children should be encouraged to adopt codes of good conduct, incorporating the prohibition, prevention and rejection of all forms of violence against children, and be expected to adhere fully to these codes. Model job descriptions should be established for each professional category. They should contain an obligation to respect the rights of the child and to report violence to competent authorities;

g. the necessary links should be established between institutions at national, regional and local levels, and effective partnerships should be built, based on the clear division of competencies fixed in respective partnership agreements;

h. civil society should become an integral part of the institutional framework, and actors, such as human rights institutions, professional networks, children and children's organisations, should be invited to contribute to the strategy's design, implementation, evaluation and follow-up.

## **6. Child-friendly services and mechanisms**

### **6.1. General principles**

1. The prime objective of institutions, services and facilities responsible for the care, education and protection of children should be to ensure, to the maximum extent possible, children's survival, development and well-being.<sup>ss</sup>

<sup>rr</sup> UN General Assembly Resolution 48/134 of 20 December 1993.

<sup>ss</sup> Refer to Article 6, UNCRC.

2. All children should have access to quality services adapted to their needs. The use of multidisciplinary models of services, comprising welfare, health, educational and psychological assistance and family guidance should be widely promoted. Such models should rely on strong intersectoral co-operation, appropriately qualified staff, an integrated curriculum, and a centralised implementation framework.

3. Services for the prevention of violence, the protection of children and the treatment of victims should be made available particularly at local level. Reliable procedures and mechanisms, including for the exchange of relevant information and best practice, should be put in place through interagency agreements and protocols.

## **6.2. Child care standards**

1. Regulations should be established for all institutions, services and facilities responsible for the care, education and protection of children, setting standards aimed at the best interests and full development of the child.<sup>tt</sup> Respect for these standards should be ensured through training of staff, internal control and regular independent monitoring. Any infringements of the rights of the child in such establishments should be sanctioned in conformity with appropriate and effective procedures.

2. Specific requirements should apply to the juvenile justice system and facilities providing institutionalised care to ensure that the rights of the child are fully protected, children enjoy a good quality of life and there are opportunities for them to participate in all activities normally enjoyed by their peers.<sup>uu</sup>

3. A system should be put in place to vet fully those working in contact with children, in any capacity, that ensures an appropriate balance between the child's right to protection from violence and the individual's right to a good name.

## **6.3. Independent monitoring**

1. All institutions, services and facilities responsible for the care, education and protection of children should be subject to regular independent monitoring with a view to:

- a. providing legal safeguards for both children and staff that are fully observed;
- b. verifying the appropriateness and correctness of public expenditure;
- c. supplying guidance on the execution of child welfare laws and regulations.

2. Monitoring should be performed by an independent body determined by law and staffed with specially trained personnel.

## **6.4. Reporting of violence**

1. Education on the rights of the child and the knowledge and understanding of authorities to whom violence can be reported are two essential conditions enabling wider reporting of violence by both children and adults. To be truly effective, the reporting mechanism should be child-friendly and part of a broader system comprising reporting, referral and support services. Such a system should respect the rights of the child and offer children (and, where appropriate, their families) the necessary protection, including the protection of their privacy, without undue delay.

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<sup>tt</sup> Also refer to Article 3, UNCRC, the UN Guidelines for the appropriate use and conditions for alternative care, and to Committee of Ministers' Recommendation Rec(2002)8, cited above.

<sup>uu</sup> Also refer to Recommendations Rec(2003)20 of the Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, and Rec(2005)5, cited above.

2. Reporting of violence should be mandatory for all professionals working for and with children, including those in organisations and private entities performing tasks on behalf of the state. Where mandatory reporting already exists, the extent to which various agencies fulfil their reporting obligations should be examined and kept under regular review.
3. To encourage wider reporting by professionals, legislative changes can be introduced in order to:
  - a. protect those who report or initiate complaints from liability in cases of reasonable mistakes in the assessment of the risk of violence;
  - b. remove a requirement to obtain parents' or carers' permission to file a complaint;
  - c. ensure that confidentiality norms do not hamper the reporting where the child consents, or is judged not to have the capacity to understand, and where professionals believe reporting or referring is in the child's best interests.
4. Children and their families should have access to information, including in a child-friendly format, on what acts and practices constitute violence, for instance bullying and mobbing in schools, and to whom and how these cases could be reported. A child should be able to file a report without the consent of her or his parent or guardian.
5. Every service, institution or facility responsible for the care, education and protection of children should have a well-publicised and easily accessible service, respectful of the child's privacy and be required to investigate allegations of violence promptly and fully. All children, including those in care in a legal establishment, as well as children with disabilities,<sup>vv</sup> their parents and carers should be informed of such complaint mechanisms. The procedure should allow for effective access to support services while avoiding any stigmatisation of the child victim.
6. An independent, confidential, well-advertised, easy to memorise, toll-free telephone help line should be made available for children to seek confidential and professional counselling and to report violence.
7. Emergency response services should be established in every locality for child victims of violence, including victims of sexual exploitation, sexual abuse, harmful traditional practices and all forms of violence in the home and family. The services' contact details should be made known to children, families and others in contact with children.

#### **6.5. Referral mechanisms**

1. Procedures for the referral of child victims of violence and the modalities for inter-agency cooperation should be clearly defined (that is, between social services, education, health, police, prosecution authorities, voluntary and private agencies). Such procedures should be adopted following an assessment of the specific circumstances of each particular victim, giving due weight to her or his views and, when it is in the child's best interests, also to her or his parents' or guardian's views.
2. Children should be encouraged, including through the provision of independent advocacy and support services, to speak to the relevant authority about their experience of violence.

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<sup>vv</sup> Not only children with physical disabilities such as those with visual impairment, but also children with intellectual disabilities. For information on "easy to read" format suitable for persons with mental handicap, see <http://www.osmhi.org/?page=139>

3. Child victims should be assessed without delay, and for victims of violence within the home and family, the protective capacity of the non-violent caregiver and the situation of other children living in the home should be established.

#### **6.6. Recovery, rehabilitation and social reintegration**

1. The state should take all appropriate measures to promote physical and psychological recovery and rehabilitation of child victims and witnesses of violence<sup>ww</sup> and, if need be, of their families. Such services should be provided without delay and in an environment which fosters the child's health, self-respect and dignity.

2. The implementation of recovery and reintegration measures for child perpetrators of violence should be based on the child's best interests, limited by the gravity of the offence committed (principle of proportionality) and take account of the age, physical and mental well-being, development, capacities and personal circumstances (principle of individualisation), as ascertained when necessary by psychological, psychiatric or social inquiry reports.<sup>xx</sup>

3. The services responsible for the recovery, rehabilitation and social reintegration of child victims, witnesses or perpetrators of violence should follow a multidisciplinary and multi-agency approach, seeing the child in the wider context of family, community and her or his cultural background. A proper balance should be sought between mainstream and specialised services, as well as programmes addressing individual and relationship factors and those focusing on community and societal aspects.

#### **6.7. The justice system<sup>yy</sup>**

1. Judicial and extra-judicial proceedings should be pursued in the best interests and in full respect of the rights of the child, including the right to be protected from all forms of violence.

2. To protect the rights of the child and children's legitimate interests throughout the process, children should be granted access to mediation, free and independent legal services, and advocacy and support services. Efforts should be made to ensure that the remedies available are effective and that there is effective enforcement of judicial decisions and judgments.

3. Judicial and extra-judicial proceedings involving children should be expedited, treated as a priority and be completed without unjustified delay. To this end, stronger co-operation and co-ordination among all parties to the judicial process should be encouraged.<sup>7</sup>

4. Judicial and extra-judicial proceedings should respect the child's right to be heard and to have her or his views given due weight. To allow their meaningful participation, children should be informed about their procedural rights in a manner which takes full account of their age and level of maturity and supported by an independent representative.

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<sup>ww</sup> Refer to Article 39, UNCRC and to Committee of Ministers' Recommendation Rec(2003)20, cited above.

<sup>xx</sup> Refer to Recommendation CM/Rec(2008)11, cited above.

<sup>yy</sup> In 2009 the Group of Specialists on Child-Friendly Justice (CJ-S-CH) drafted Council of Europe Guidelines on child-friendly justice. The guidelines will be adopted as a Committee of Ministers' recommendation in 2010.

5. Special protection, procedures and facilities should be provided to ensure child victims and witnesses of violence are fully supported. In particular:

a. judicial proceedings should not aggravate the trauma experienced by the child. Where appropriate, the justice response should be followed swiftly by adequate support services;

b. the privacy of children and of their families should be protected throughout the process.<sup>zz</sup> Where necessary, appropriate security measures should be taken to avoid intimidation, subjection to retaliation or repeat victimisation of child victims and witnesses of violence and of their families.

6. The age of criminal responsibility should be determined by law and be set suitably high, bearing in mind factors related to the child's development. For child perpetrators of violence, concepts of retribution and repression should give way to rehabilitation and restorative justice objectives, with due attention to effective public safety and appropriate human rights and legal safeguards for the child victims.<sup>aaa</sup>

7. Alternatives to institutionalised care for child perpetrators of violence should be established, such as help, guidance and supervision orders; counselling; probation; foster care; and educational and vocational training programmes. The overall objective of such measures should be to facilitate children's successful socialisation and reintegration in the family, the community and society.

8. Child perpetrators of violence should not be deprived of their liberty other than where it is necessary as a measure of last resort, used for the shortest period of time and takes place in specially designed premises. The conditions of the detention should be in conformity with the UNCRC and other relevant standards and take into account children's specific needs.<sup>bbb</sup> Children undergoing any form of detention should be detained separately from adults, unless this is considered to be contrary to their best interests.<sup>ccc</sup>

## 7. Research and data

1. Identification of an effective strategy for the protection of children from violence depends on the availability and proper analysis of data at national, regional and local levels. The adoption of a national research agenda represents the most appropriate way of promoting an integrated and systematic approach to data collection, analysis, dissemination and research. This approach, inter alia, implies the following:

### Research

a. baseline study on violence against children as a prerequisite to any strategic planning process;

b. ethical and regular research involving interviews with children and separately with their parents or carers, in conditions of confidentiality and trust, to establish as accurately as possible the actual experience of violence by children;

<sup>zz</sup> Refer to the European Court of Human Rights, *V. v. the United Kingdom*, 1999.

<sup>aaa</sup> Refer to Recommendation CM/Rec(2008)11, cited above.

<sup>bbb</sup> Refer to Committee of Ministers 'Recommendations Rec(2006)2 and CM/Rec(2008)11, both cited above.

<sup>ccc</sup> Op. cit., refer also to the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the UN Minimum Rules for Non-custodial measures (Tokyo Rules) and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

- c. longitudinal large-scale research on the root causes of violence and the interdependence of its various forms;
- d. development of a harmonised methodology with a common set of indicators, allowing for the identification of groups of children vulnerable to violence;
- e. ongoing research into the precise nature of risks to children via the Internet, and how these risks shift over time and are mitigated by interventions;
- f. research into protective factors, notably children's resilience mechanisms;
- g. surveys on adult and child perpetrators of violence to develop criteria and parameters for their assessment and treatment;
- h. research into what works to protect children from violence and to evaluate existing responses, including methodologies for the evaluation and assessment of violence prevention services and programmes and the development of quality criteria;
- i. surveys to quantify the social costs of violence against children.

### **Statistical monitoring**

- a. regular statistical monitoring, on the basis of established methodology, of violence against children at national, regional and local levels in all settings. The data should be broken down by gender, age, form of violence, urban or rural household, families' characteristics, level of education and national, social and ethnic origin;
- b. collection of quantitative and qualitative data on the length and outcomes of judicial proceedings involving children, including protective measures provided for child victims of violence.

### *Establishment of national databases<sup>ddd</sup>*

- a. on children's births and deaths, including the establishment of a child death (and serious injury) review mechanism;
- b. on children entering, leaving, or changing institutions, and all forms of alternative care and detention facilities, including the recording of all cases of violence against children in such institutions;
- c. on persons convicted of violent offences against children, including their genetic profile (DNA).<sup>eee</sup>

### **Co-ordination**

- a. the designation (where possible and in conformity with national circumstances) of a single authority, preferably an observatory on the rights of the child, a national statistical office or a research institute, to coordinate and disseminate children-related data nationwide and exchange information internationally;
  - b. active contribution by all agencies with a child protection role to data collection.
2. All institutions, services and facilities recruiting personnel to work for and with children should be afforded easy but appropriately controlled access to data on persons convicted of violent offences against children.

<sup>ddd</sup> In accordance with data protection rules.

<sup>eee</sup> Refer to Article 37, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.



3. Personal data processing at national, regional and local levels should comply with internationally accepted standards and ethical safeguards.<sup>fff</sup>
4. Internationally agreed uniform standards should be established to facilitate international comparability of data.

## 8. International co-operation

1. Member states of the Council of Europe should co-operate with each other, in accordance with these guidelines and through application of relevant international and regional instruments and arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:
  - a. preventing and combating all forms of violence against children;
  - b. protecting and assisting child victims and witnesses;
  - c. investigating or prosecuting criminal offences involving violence against children.
2. Member states should afford each other the widest measure of mutual assistance in proceedings on offences involving violence against children, such as child abductions, trafficking in children, sexual exploitation and sexual abuse of children.
3. To facilitate implementation of the guidelines, member states should strengthen, as appropriate, co-operation within relevant intergovernmental bodies, transnational networks and other international organisations.
4. Each member state should endeavour to integrate, where appropriate, prevention and eradication of all forms of violence against children into development assistance programmes provided for the benefit of third countries.

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<sup>fff</sup> Refer to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding Supervisory Authorities and Transborder Data Flows (ETS No. 181).

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# European Union Agenda for the Rights of the Child, 15 February 2011

## Introduction

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. Notably, Article 3(3) of the Treaty on European Union today explicitly requires the EU to promote the protection of the rights of the child. The rights of the child are furthermore enshrined in the Charter of Fundamental Rights of the European Union<sup>a</sup>. Article 24 of the Charter recognises that children are independent and autonomous holders of rights. It also makes the child's best interests a primary consideration for public authorities and private institutions.

Promoting the rights of the child is also a result of international commitments. All EU Member States ratified the United Nations Convention on the Rights of the Child (UNCRC).<sup>b</sup> The standards and principles of the UNCRC must continue to guide EU policies and actions that have an impact on the rights of the child. In 2006, the Commission established a basis for promoting and protecting the rights of the child in its internal and external policies with its Communication "Towards an EU Strategy on the Rights of the Child"<sup>c</sup>. The Commission thereby set up structures<sup>d</sup> to strengthen the capacity of EU institutions to address child rights issues, laying the foundations for evidence-based policies and stepping up interaction with stakeholders.

In view of the strong and reinforced commitment to the rights of the child in the Treaty of Lisbon and in the Charter of Fundamental Rights, the Commission believes it is now the time to move up a gear on the rights of the child and to transform policy objectives into action. The Europe 2020 Strategy<sup>e</sup> sets out a vision for the 21st century of a Europe where the children of today will have a better education, access to the services and to the resources they need to grow up and, one day, lead Europe into the 22nd century. This is why the Commission, with this Communication, advocates "An EU Agenda for the Rights of the Child". The purpose is to reaffirm the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results. In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC.

This EU Agenda for the Rights of the Child is based on contributions from a wide public consultation<sup>f</sup> and on the needs and concerns that children from all EU Member States

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<sup>a</sup> Charter of Fundamental Rights of the European Union, OJ C 83, 30.3.2010, p. 389–403.

<sup>b</sup> Available at: <http://www2.ohchr.org/english/law/crc.htm>. The Optional Protocol of the UNCRC on the

<sup>c</sup> Communication from the Commission: Towards an EU Strategy on the Rights of the Child, COM(2006) 367 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>

<sup>d</sup> European Forum on the Rights of the Child and its Steering Group; Commission Interservice Group; Commission Coordinator for the Rights of the Child.

<sup>e</sup> Communication from the Commission on Europe 2020 - A Strategy for smart, sustainable and inclusive growth, COM (2010) 2020 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>.

<sup>f</sup> In addition to the public consultation, available at: [http://ec.europa.eu/justice/news/consulting\\_public/news\\_consulting\\_0009\\_en.htm](http://ec.europa.eu/justice/news/consulting_public/news_consulting_0009_en.htm) this

expressed during a separate, targeted consultation<sup>g</sup>. It also takes into account the preliminary results of an evaluation of the impact of EU instruments affecting the rights of the child. The European Parliament<sup>h</sup>, the Committee of the Regions<sup>i</sup>, the Economic and Social Committee and the Council of Europe<sup>j</sup> as well as key stakeholders such as UNICEF, the Ombudspersons for children in the Member States, and civil society have contributed to the preparation of this Communication including through the work of the European Forum on the Rights of the Child<sup>k</sup>.

The EU Agenda for the Rights of the Child presents general principles that should ensure that EU action is exemplary in ensuring the respect of the provisions of the Charter and of the UNCRC with regard to the rights of children. In addition, it focuses on a number of concrete actions in areas where the EU can bring real added value, such as child-friendly justice, protecting children in vulnerable situations and fighting violence against children both inside the European Union and externally.

## 1. General Principles

The EU's commitment to the rights of the child requires a coherent approach across all relevant EU actions. This objective can be reached by using the Treaties, the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child (UNCRC) as a common basis for all EU action, which is relevant to children. The "child rights perspective" must be taken into account in all EU measures affecting children.

### 1.1. Making the rights of the child an integral part of the EU's fundamental rights policy

The Commission's Strategy for the effective implementation of the Charter of Fundamental Rights, adopted on 19 October 2010<sup>l</sup>, requires the Commission to ensure from an early stage, by means of a "fundamental rights check", that its legislative proposals are always in full compliance with the fundamental rights guaranteed by the Charter. In line with this Strategy, the Commission is working with the European Parliament and the Council to

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Communication is also based on the results of a targeted consultation with experts from specific policy areas.

<sup>g</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>h</sup> European Parliament resolution of 16 January 2008 (2007/2093 INI): Towards an EU Strategy on the rights of the child, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0012>.

<sup>i</sup> Opinion of the Committee of the Regions on "Local and regional cooperation to protect the rights of the child in the European Union", OJ C 267, 1.10.2010, p. 46–51; Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child, OJ C 146, 30.6.2007, p. 58–62.

<sup>j</sup> Council of Europe reaction to Consultation document: European Commission's Consultation on the Rights of the Child, available at: [http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final\\_en.pdf](http://www.coe.int/T/TransversalProjects/Children/News/EU%20Consultation%20paper%20final_en.pdf)

<sup>k</sup> The European Forum on the Rights of the Child – created by the Commission under German Presidency in 2007 – brings together representatives of Member States, the European Parliament, the Committee of the Regions, the European Economic and Social Committee, the Council of Europe, UNICEF, national observatories on childhood, Ombudspersons for children, civil society and other stakeholders.

<sup>l</sup> Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union COM(2010) 573 final, 19 October 2010, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0573:FIN:EN:PDF>

ensure that also amendments introduced during the legislative process are fully respecting the Charter. The Commission is also working with Member States that they comply with the Charter when implementing EU legislation into national law, as required by Article 51(1) of the Charter.

The rights of the child, guaranteed by Article 24 of the Charter, are one of the fundamental rights mentioned explicitly in the Commission's Strategy. It is thus included in the regular "fundamental rights check" which the Commission applies to relevant draft EU legislation.

As announced in the Communication on the Strategy for the effective implementation of the Charter, the Commission has developed mechanisms to monitor the conformity of draft legislative actions with the Charter. In order to reinforce its assessment of the impact of its proposals on fundamental rights, including on the rights of the child, the Commission has prepared operational guidance that will enable its departments to examine the impact of an Initiative on fundamental rights, including the rights of the child, and to select the option that best takes into consideration the best interests of the child. This operational guidance covers the questions set out in the "fundamental rights check-list" announced in the Strategy for the effective implementation of the Charter. The Commission will also provide practical internal training on the rights of the child and other fundamental rights to reinforce and further promote a culture of respect for fundamental rights. The Commission will also continue to follow attentively the work of the UN Committee on the Rights of the Child and its interpretation of the provisions of the UNCRC. Where relevant, the explanatory memorandums of the relevant legislative proposals will explain how child rights considerations were taken into account in the drafting of proposals.

### 1.2. Building the basis for evidence-based policy making

Experience with implementing the 2006 Communication has revealed a significant lack of reliable, comparable and official data. This is a serious obstacle for the development and implementation of genuine evidence-based policies. Improving the existing monitoring systems, establishing child rights-related policy targets, and monitoring their impact are one of the key challenges. Gaps in knowledge about the situation and needs of the most vulnerable groups of children should be addressed as a matter of priority. In this context, there is also a need for more information on methods to prevent crimes against children.

The Commission will cooperate with the relevant organisations and institutions to produce **basic data** and information to guide decision making. The process will take stock of existing work in this area, including the outcome of the study on indicators carried out by the EU fundamental Rights Agency<sup>m</sup>. These indicators were developed on the request of the Commission to measure how the rights of the child are implemented, protected, respected and promoted across the EU. They are intended to guide the Agency's data collection and research, allowing it to develop evidence-based opinions and support the EU institutions and Member States when they take measures or formulate actions.

### 1.3. Cooperation with stakeholders

The Commission will continue to work together and maintain a dialogue with all stakeholders through the **European Forum for the Rights of the Child**, which meets regularly.

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<sup>m</sup> Developing indicators for the protection, respect and promotion of the rights of the child in the European Union, available at: [http://fra.europa.eu/fraWebsite/attachments/RightsOfChild\\_summary-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RightsOfChild_summary-report_en.pdf).

There are a variety of institutional and policy structures designed to protect and promote the rights of the child in Member States. While all EU Member States have recognised the need to develop policies in relation to the rights of the child, the institutional mechanisms for making and delivering policy in this area vary among them. In full respect of the principle of subsidiarity the Commission will continue to support Member States' efforts by promoting exchange of best practice, cooperation and communication with and among national authorities responsible for protecting and promoting the rights of the child.

## 2. Towards Concrete EU Action for Children

### 2.1. Child-friendly justice

Making the justice system more child-friendly in Europe is a key action item under the EU Agenda for the Rights of the Child. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. The Commission's Action Plan implementing the Stockholm Programme<sup>n</sup> has therefore highlighted this aspect for the period 2010-2015.

Children may become involved with the justice systems in a number of ways, for example when their parents' divorce or disagree over custody, when they commit offences, when they witness crimes or are their victims, or when they seek asylum. When children are involved with justice systems that are not child-friendly, they can be subject to manifold restrictions or violations of their rights.

Children can face obstacles with regard to legal representation or being heard by judges. Likewise, the information, which is necessary for children and their representatives to exercise their rights or defend their interests in judicial proceedings can be inadequate. Children can be treated as adults without always being afforded specific safeguards in accordance with their needs and vulnerability, and may have difficulties coping with this situation. Effective access to justice and participation in administrative and court proceedings are basic requirements to ensure a high level of protection of children's legal interests.

Family law disputes may have adverse effects on the well-being of children. Children who are separated from one or both parents must be allowed to maintain personal relations and direct contacts with both of them on a regular basis, except where it is contrary to their best interests.<sup>o</sup> Civil proceedings, especially transnational litigation, deriving from dissolution of marriage or legal separation may result in a restriction of this right. Particularly during proceedings to determine parental responsibility, children can become hostage to long cross border legal disputes between the former partners. EU legislation<sup>p</sup> already facilitates the recognition and enforcement of decisions on parental responsibility. The adequate provision of information to children and parents about their rights under EU law and national law is a prerequisite to enable them to defend their rights in family law litigation. Information should be easily accessible and provide clear guidance on the relevant procedures. The Commission, in cooperation with Member States, will develop and keep updated factsheets on EU and national legislation on maintenance obligations, mediation and recognition and

<sup>n</sup> Communication from the Commission on Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, available at: [http://ec.europa.eu/justice/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice/news/intro/doc/com_2010_171_en.pdf).

<sup>o</sup> Article 24(3) Charter of Fundamental Rights of the European Union.

<sup>p</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338, 23.12.2003, p. 1–29.

enforcement of decisions on parental responsibility. As regards parental child abduction, the Commission will pay particular attention to the information provided by the European Parliament Mediator for International Parental Child Abductions.

The registration and recognition of documents related to civil status are important for the determination of a child's rights. When children and their parents move within the EU and need to use such documents in another Member State they often encounter costly and lengthy requirements for their recognition (involving translations and proof of authenticity), which may make access to justice difficult. This is why the Commission has launched a public consultation on ways to facilitate the mutual recognition across the EU of the effects of civil status documents with a view to proposing EU measures in 2013<sup>q</sup>.

The right to a fair trial for children who are subject to criminal proceedings implies the protection of privacy, the right to be informed about the charges and the proceedings in a way which is adapted to the child's age and maturity, legal assistance and legal representation. This is especially important when the language of the proceedings is not the mother tongue of the child. In 2010, the EU adopted rules on interpretation and translation that ensure that all persons, including children, receive information about their rights in the proceedings in a manner that they can understand<sup>r</sup>. The Commission will pursue its agenda aiming at strengthening the procedural rights of suspected or accused persons in criminal proceedings, including children. In 2011 the Commission will put forward a proposal containing rules to ensure access to a lawyer, and a proposal concerning the right for detainees to communicate with family members, trusted persons, employers and consular authorities. Special attention is due with regard to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition. In 2012 the Commission will table a legislative proposal on special safeguards for suspected or accused persons who are vulnerable. This measure will be of key importance to ensure child-friendly justice.

Children sentenced to custody and placed in criminal detention structures are particularly at risk of violence and maltreatment<sup>s</sup>. At international level there are several guiding principles on how to deal with children who are deprived of their liberty<sup>t</sup>. Detention of children should be a measure of last resort and for the shortest appropriate period of time<sup>u</sup>.

Children often participate as vulnerable witnesses or victims in criminal judicial proceedings. They may be exploited in criminal activities, such as trafficking of illicit drugs. Legal and practical arrangements should be put in place to avoid unnecessary multiple interrogations, and to reduce the negative experience of being involved in criminal proceedings. Child victims should be given the opportunity to play an active part in criminal proceedings so as to have their testimony taken into account. The use of Information and Communication Technology (ICT) tools, and especially video-

<sup>q</sup> Commission's Green Paper on Less Bureaucracy for Citizens: Promoting free movement of public documents and recognition of the effects of civil status records, COM (2010) 747 final, available at: [http://ec.europa.eu/justice/policies/civil/docs/com\\_2010\\_747\\_en.pdf](http://ec.europa.eu/justice/policies/civil/docs/com_2010_747_en.pdf)

<sup>r</sup> Directive 2010/64/EU of the European Parliament and the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1–7.

<sup>s</sup> Pinheiro, P. 'World Report on Violence Against Children', United Nations, Geneva, 2006, p. 195–199. Available at: <http://www.unviolencestudy.org/>.

<sup>t</sup> See for example United Nations Rules for the Protection of Juveniles Deprived of their Liberty, General Assembly Resolution 45/113 of 14 December 1990, available at: [http://www2.ohchr.org:80/english/law/res45\\_113.htm](http://www2.ohchr.org:80/english/law/res45_113.htm); Council of Europe Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, 11 January 2006, available at: <https://wcd.coe.int/ViewDoc.jsp?id=955747>.

<sup>u</sup> Art. 37 of the United Nations Convention on the Rights of the Child.

conferencing, can allow child victims to take an active part in the proceedings while not being put in direct contact with the accused persons. Child victims should receive adequate support leading to their recovery and compensation for the harm inflicted on them.

#### **Actions:**

In the context of its civil and criminal justice policies, and in line with its Strategy on the effective implementation of the Charter of Fundamental Rights, the Commission will contribute to making the justice systems in the EU more child-friendly, notably by:

1. Adopting, in 2011, a proposal for a Directive on victims' rights raising the level of protection of vulnerable victims, including children;
2. Tabling, in 2012, a proposal for a Directive on special safeguards for suspected or accused persons who are vulnerable, including children;
3. Revising, by 2013, the EU legislation facilitating the recognition and enforcement of decisions on parental responsibility with a view to ensuring, in the interest of the child, that decisions can be recognised and enforced as quickly as possible, including, where appropriate, the establishment of common minimum standards;
4. Promoting the use of the Council of Europe Guidelines of 17 November 2010 on child-friendly justice<sup>v</sup> and taking them into account in future legal instruments in the field of civil and criminal justice;
5. Supporting and encouraging the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial systems.

## **2.2. Targeting EU action to protect children when they are vulnerable**

Some categories of children are particularly vulnerable and face greater risks to their lives and well-being due to social, political and economic factors. For example, children growing up in poverty and social exclusion<sup>w</sup>, often accompanied with drug abuse, are less likely to do well in school and enjoy good physical and mental health<sup>x</sup>. They are also more likely to find themselves in conflict with the justice system. The needs of children at risk of poverty and social exclusion will be addressed in a Commission Recommendation on child poverty, which will outline common principles and propose effective monitoring tools to prevent and combat child poverty within the framework of the Platform against Poverty and Social Exclusion.

**Disabled children** are also more vulnerable to the violation of their rights and they require and deserve special protection<sup>y</sup>.

<sup>v</sup> 22 Guidelines of the Council of Europe on Child Friendly Justice - Adopted by the Committee of Ministers on 17 November 2010, available at <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1705197&Site=CM>

<sup>w</sup> See the report by the Commission's DG Employment, Social Affairs and Equal Opportunities on Child poverty and well-being in the EU: Current status and way forward, 28 February 2008, available at: <http://ec.europa.eu/social/main.jsp?catId=751&langId=en&pubId=74&type=2&furtherPubs=yes>

<sup>x</sup> Commission Communication on Solidarity in Health: Reducing health inequalities in the EU, COM (2009) 567 final, available at: [http://ec.europa.eu/health/ph\\_determinants/socio\\_economics/documents/com2009\\_en.pdf](http://ec.europa.eu/health/ph_determinants/socio_economics/documents/com2009_en.pdf).

<sup>y</sup> Commission Communication on a European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM (2010) 636 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

The well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children. In March 2010, the Commission adopted two proposals for Directives aiming at reinforcing the framework for protection of some of most vulnerable children, those who are victims of sexual exploitation and trafficking. In the area of trafficking it is important that specific needs of children are fully taken into account in further development of trafficking policy notably within the integrated strategy on countering trafficking in human beings which will be adopted in 2012.

As regards detention for administrative purposes of children seeking asylum, the Commission has worked to take forward its 2008 and 2009 proposals amending EU asylum law. These proposals prohibit the detention of children unless it is in their best interest and only after all possible alternatives have been exhaustively assessed. A number of necessary safeguards and procedural guarantees are also introduced concerning access to a judicial review and legal representation. Finally, the proposals provide for a clear prohibition of the detention of unaccompanied asylum seeking children.

The Commission's 2010 Action Plan on Unaccompanied Minors<sup>z</sup> puts forward a common EU approach towards unaccompanied or separated children coming from outside the EU. The Action Plan identifies child-specific reception measures and procedural guarantees that should apply from the moment the child is found until a durable solution is found. It also stresses the importance of appropriate representation of the child, proposes actions to address the shortcomings in the care provided to unaccompanied asylum-seeking children in the EU<sup>aa</sup> and to avoid the disappearance of unaccompanied children who are in the care of public authorities.

Experienced and well trained professionals can prevent problems and help children deal with the trauma they experience. Professionals working with and for children should receive adequate training on the rights and needs of children of different age groups, as well as on the type of proceedings that are adapted to them. They should also be trained in communicating with children of all ages and stages of development, as well as with children in situations of particular vulnerability.

In 2009, more than 6 million young people left education and training, completing lower secondary education or less; 17.4% of them completed only primary education. This is the reason why one of the headline targets agreed by the European Council in the framework of the Europe 2020 Strategy is to reduce the share of early school leavers to less than 10%. Giving all children access to early childhood education and care is the foundation for successful lifelong learning, social integration, personal development and later employability. The Commission has already identified specific policy actions and recommendations to tackle early school leaving<sup>bb</sup>. It will also promote initiatives in collaboration with Member States to encourage quality early childhood education and care, fight against segregation in educational systems, and disseminate good practices.

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<sup>z</sup> Communication from the Commission to the European Parliament and the Council on an Action Plan on Unaccompanied Minors (2010–2014), COM(2010) 213 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>.

<sup>aa</sup> Report by the EU Agency for Fundamental Rights, Separated, asylum-seeking children in EU Member States, April 2010.

<sup>bb</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Tackling early school leaving: A key contribution to the Europe 2020 Agenda, COM(2011)18 final, available at [http://ec.europa.eu/education/school-education/doc/earlycom\\_en.pdf](http://ec.europa.eu/education/school-education/doc/earlycom_en.pdf)



The situation of Roma children in the EU is particularly worrying, due to a range of factors that may make them especially vulnerable and exposed<sup>cc</sup> to poor health, poor housing, poor nutrition, exclusion, discrimination and violence<sup>dd</sup>. Social exclusion of Roma children is often linked to lack of birth registration, low participation in early childhood and higher education, high school drop-out rates, trafficking and labour exploitation. Segregation is a crucial barrier preventing access to quality education for Roma children.

Children may go missing regardless of their age, gender or social status. There is little knowledge about the reasons why children run away from home or from institutions in which they live, but we do know that the risks are enormous: risks to their safety, mental and physical health, well-being and life. Missing children can suffer violence and abuse; they can be trafficked or exposed to begging and prostitution.

The Commission has identified a number of tools that can be of help in case a child is missing. For several years now, some Member States<sup>ee</sup> have been introducing public alert systems in cases of child abduction or disappearances of children in circumstances which could pose a serious risk to the safety and well-being of the children concerned. The Commission will continue to promote cross-border cooperation between Member States in cases of criminal abductions of children through child alert mechanisms. In order to enhance cooperation in this field, the Member States agreed, in June 2009, on better use of the Schengen Information System, and the related SIRENE Bureaux based in each Member State, in the search for the missing children. The Commission will contribute to this process by adopting, by May 2011, a new version of the SIRENE Manual, within a Commission Decision. This will contain the set of rules and procedures for such cases.

The 116 000 hotline for missing children offers help, support and a potential lifeline for missing children and their parents. Because of the poor rate of implementation of the hotline at EU level, in 2010 the Commission adopted a Communication<sup>ff</sup>32 with the objective to encourage the Member States to implement the missing children hotline as a matter of priority and to ensure that the same high quality of service is offered throughout the Union. The Commission will continue to closely monitor the implementation of the hotline for missing children in all Member States. If no further progress is made within a reasonable timeframe, the Commission will consider presenting a legislative proposal to make sure that the 116 000 hotline is fully operational in all Member States.

Children can also be especially vulnerable in relation to modern technology. Online technologies bring unique opportunities to children and young people by providing access to knowledge and allowing them to benefit from digital learning and participate in the public debate. Children are particularly vulnerable when they are confronted with harmful content and conduct, such as cyber-bullying and grooming, in audiovisual media and on the Internet. Children across Europe testify that physical and emotional bullying in schools is

<sup>cc</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Non-discrimination and equal opportunities: A renewed commitment, COM (2008) 420 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0420:FIN:EN:PDF>.

<sup>dd</sup> Breaking the barriers: Romani women and access to public health care. Report by the former EU European Monitoring Centre on Racism and Xenophobia (now EU Fundamental Rights Agency), 2003.

<sup>ee</sup> To date, a child alert system is in place in eight Member States: the Netherlands, Portugal, France, Luxembourg, Belgium, Greece, Germany and the United Kingdom.

<sup>ff</sup> Commission Communication "Dial 116000: the European hotline for missing children" COM(2010) 674, available at: [http://ec.europa.eu/justice/policies/children/docs/com\\_2010\\_674\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/com_2010_674_en.pdf).

part of their everyday lives<sup>gg</sup>. Cyber-bullying has been identified as a modern manifestation of bullying that calls for urgent responses and the involvement of all relevant actors, such as social networking sites, internet providers and the police. The Commission aims at achieving a high level of protection of children in the digital space, including of their personal data<sup>hh</sup>, while fully upholding their right to access internet for the benefit of their social and cultural development. Through the Safer Internet programme<sup>ii</sup>, the Commission coordinates and supports efforts to empower and protect children online. Various sectors of the Information and Communication Technologies industry have been engaged in self-regulatory initiatives in particular to increase the protection of children using mobile phone<sup>jj</sup> and social networking services<sup>kk</sup> and through the Pan European Game Information rating system of video and online games<sup>ll</sup>. The Commission will now expand its call for action to manufacturers of mobile devices and game consoles, internet service providers, mobile applications and content providers, consumer organisations, researchers and child welfare organisations.

The Commission is closely monitoring the transposition of the Audiovisual Media Services Directive<sup>mmm</sup> by the Member States into their national law, for which the deadline was 19 December 2009. The Directive extends the standards for protection of children from traditional TV programmes to the fast growing on-demand audiovisual media services, particularly on the Internet.

#### **Actions:**

The Commission will contribute to empowering and protecting children when they are vulnerable, notably by:

6. Supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children (2011-2014);
7. Paying particular attention to children in the context of the EU Framework for National Roma Integration Strategies, which will be adopted in spring 2011 and will notably promote the more efficient use of structural funds for the integration of Roma;
8. Strongly encouraging and providing support to all Member States to ensure the swift introduction and full functioning of the 116 000 hotline for missing children and the child alert mechanisms (2011-2012).
9. Supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks

<sup>gg</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

<sup>hh</sup> See the Commission Communication on a comprehensive approach on personal data protection in the European Union, COM(2010)609 final, point 2.1.2., available at: [http://ec.europa.eu/justice/news/consulting\\_public/0006/com\\_2010\\_609\\_en.pdf](http://ec.europa.eu/justice/news/consulting_public/0006/com_2010_609_en.pdf)

<sup>ii</sup> Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348, 24.12.2008, p. 118–127.

<sup>jj</sup> [http://ec.europa.eu/information\\_society/activities/sip/docs/mobile\\_2005/europeanframework.pdf](http://ec.europa.eu/information_society/activities/sip/docs/mobile_2005/europeanframework.pdf).

<sup>kk</sup> [http://ec.europa.eu/information\\_society/activities/social\\_networking/docs/sn\\_principles.pdf](http://ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf).

<sup>ll</sup> <http://www.pegi.info/>

<sup>mmm</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95, 15.4.2010, p. 1–24.

namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives (2009-2014).

### 2.3. Children in the EU's external action

The EU is determined to give priority to the promotion and protection of the rights of the child also in its external action<sup>mn</sup> including in judicial cooperation in civil matters in areas of EU competence. In this respect, it is crucial for the EU to have a strong single voice in external matters when the rights of the child are concerned in relations with third countries to ensure swift and effective action where necessary. The EU's external policy on the rights of the child will be conducted in line with the 2008 Communication "A Special Place for Children in EU External Action" and the accompanying Action Plan.

#### **The EU is strongly committed to eliminating all forms of violence against children.**

Approximately 200 million children worldwide witness domestic violence annually, over 200 million children worldwide are subject to sexual violence, over 50 000 children die as a result of homicide every year, and up to 2 million children are treated in hospitals for violence related injuries. The EU will continue the implementation of the EU Guidelines on the Rights of the Child, which currently focus on combating all forms of violence against children. By the end of 2011, the EU will evaluate the implementation of the Guidelines since 2007. The "Investing in People" thematic programme envisages funding for projects aimed at combating violence against children in the years 2011-2013.

More than 200 million children worldwide are still in child labour and a staggering 115 million at least, are subject to its worst forms. The EU will continue its efforts to combat child labour, in line with the 2010 Commission Staff Working Document and Council conclusions on Child Labour. The EU will prepare by the end of 2011 a report on the worst forms of child labour and trade, taking into account international experience and the views of competent international organisations. In 2011, the EU will select projects targeting child labour in third countries under the "Investing in People" thematic programme.

Children in armed conflicts<sup>oo</sup> are particularly vulnerable, even more so when they have lost or have been separated from their parents or care-givers.

Children are exposed to risks of recruitment by armed groups, sexual abuse and exploitation or trafficking. They disproportionately suffer from malnourishment and illness as they are deprived from access to basic social services, health care and education. At any given time, an estimated 300 000 children are associated with armed forces and groups, among which 40% girls. The EU will continue its work on safeguarding rights of children in and affected by armed conflicts based on the concrete actions envisaged in the 2010 Implementation Strategy of the EU Guidelines on Children in Armed Conflicts.

Child sex tourism must be eradicated. This phenomenon is part of an organised sex industry that includes prostitution, human trafficking, the production and distribution of child pornography and the exploitation of children by travelling sex offenders. Since few

<sup>mn</sup> The 2006 Communication Towards an EU Strategy on the Rights of the Child led to the development of a comprehensive policy framework in the external EU action, including the Communication "A Special Place for Children in EU External Action" and its accompanying Staff Working Paper on "Children in Emergency and Crisis Situations" (2008), the EU Guidelines on the Rights of the Child (2007), the EU Guidelines on Children and Armed Conflicts (2003, updated 2008), the Council Conclusions on Children in Development and Humanitarian Settings (2008) and the Council Conclusions on Child Labour (2010).

<sup>oo</sup> In the past decade alone, armed conflicts are estimated to have claimed the lives of over 2 million children and physically maimed 6 million more while some 20 million children are displaced or refugee and one million have become orphans due to conflicts.

travelling sex offenders face legal consequences in their respective home countries in the EU, action should be undertaken to increase the number of investigations and prosecutions within the EU for offences committed outside the EU.

The EU will continue to pursue a political dialogue with third countries and international organisations, in order to maintain or improve the respect and promotion of the rights of the child. As part of its enlargement policy, the EU will continue to promote the reform of child protection and will closely monitor progress on the rights of the child throughout the accession process in the candidate countries and potential candidates, especially as regards children of ethnic minorities and marginalised groups, such as Roma, which have been identified as particularly vulnerable.

Bilateral co-operation with third countries will be structured around measures such as scaling up development programmes focused on the rights of the child to, for instance, support stronger national structures and institutions, including the development of independent child rights institutions, promote legislative reforms in conformity with relevant international standards and promote the rights of the child through trade instruments and in international negotiations.

In multilateral cooperation the EU will continue its support for international initiatives, including tabling resolutions at the UN General Assembly and the UN Human Rights Council. It will also intensify coordination with international stakeholders.

In humanitarian aid, the EU will continue and increase the support to projects and activities that directly target the specific needs of children in emergencies along the lines set in the 2008 Staff Working Paper on "Children in Situations of Emergency and Crisis".<sup>pp</sup>

#### **Action:**

**10. The EU will continue the implementation of the 2007 EU Guidelines on the Protection and Promotion of the Rights of the Child<sup>qq</sup> that focus on combating all forms of violence against children.** The EU will also evaluate the implementation of the Guidelines. The EU will implement the EU Guidelines on Children and Armed Conflicts<sup>rr</sup> based on the 2010 Revised Implementation Strategy.

### **3. Child Participation and Awareness Raising**

The results of two Eurobarometer surveys of 2008 and 2009 showed that 76% of children<sup>ss</sup> interviewed were not aware of having rights and 79 % did not know who to contact in case of need. When asked what action the EU should take to promote and protect the rights of the child, 88 % of respondents indicated that the EU should provide more information to children about their rights in an accessible way.

Full recognition of the rights of the child means that children must be given a chance to voice their opinions and participate in the making of decisions that affect them. Article 24(1) of the Charter requires the EU to take children's views into considerations on matters which concern them in accordance with their age and maturity.

<sup>pp</sup> Commission Communication on a Special Place for Children in EU External Action, COM (2008) 55 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0055:FIN:EN:PDF>

<sup>qq</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

<sup>rr</sup> Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/10019.en08.pdf>

<sup>ss</sup> Available at: [http://ec.europa.eu/public\\_opinion/flash/fl\\_235\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf) and [http://ec.europa.eu/public\\_opinion/flash/fl\\_273\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_273_en.pdf).

Steps taken by the Commission so far to consult children and listen to them<sup>tt</sup> are a starting point in providing possibilities for greater participation of children in the development and implementation of actions and policies that affect them, such as for example education, health or environment policies. To this end, the Commission will draw on the expertise of the European Forum on the Rights of the Child and will continue to work with this Forum and with Ombudspersons for children and other relevant partners in this area.

To ensure better and more effective information of children about their rights and about relevant EU policies will require consolidation and modernisation of existing information tools. At present the information targeting children on the EU's web portal EUROPA can be found via Quick links for kids<sup>uu</sup> and the Teachers' Corner<sup>vv</sup>. These links give access to material provided by all EU institutions which is relevant for children. Many of the material accessible from these web pages are also hosted on individual Commission Directorate Generals' or the websites of other EU institutions. However, comprehensive, consolidated and easily accessible information on the rights of the child and EU policies relevant for children is currently missing.

#### **Action:**

11. The Commission will set up, in the course of 2011, a single entry point on EUROPA with information for children on the EU and on the rights of the child. This single entry point will provide easy access to information that can be understood by children of different age groups and can be used by parents and teachers to find information and teaching materials. The Commission will invite other EU institutions to join this initiative.

#### **Conclusion**

With this EU Agenda for the Rights of the Child, the Commission calls on the EU institutions and on the Member States to renew their commitment to step up efforts in protecting and promoting the rights of children. The action of the EU should be exemplary in ensuring the respect of the provisions of the Treaties, the Charter of Fundamental Rights of the European Union and of the UNCRC with regard to the rights of children. The Commission will review regularly progress made in the implementation of the EU Agenda for the Rights of the Child in its Annual Report on the application of the Charter.

As underlined in the Europe 2020 Strategy, the long-term effects of not investing enough in policies affecting children may have a profound impact on our societies. Many of these policies require determined action by the Member States, and the Commission is ready to offer its support and cooperation. The Commission will continue to play its part in joint efforts to achieve well-being and safety of all children. A renewed commitment of all actors is necessary to bring to life the vision of a world where children can be children and can safely live, play, learn, develop their full potential, and make the most of all existing opportunities.

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<sup>tt</sup> Eurobarometer Qualitative study on the Rights of the Child, October 2010, available at: [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf).

<sup>uu</sup> [http://europa.eu/quick-links/eu-kids/index\\_en.htm](http://europa.eu/quick-links/eu-kids/index_en.htm).

<sup>vv</sup> [http://europa.eu/teachers-corner/index\\_en.htm](http://europa.eu/teachers-corner/index_en.htm).