

New Zealand ACCNN 10th Conference Wednesday Febr. 15, 2006 (7.30 pm)

Children's Rights and Child Abuse and Neglect

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The UN Convention on the Rights of the Child is a very important driving and guiding force behind the many national and international force behind the many national and international efforts to prevent and combat child abuse and neglect. The time available is too short to give you the full picture, so I will focus on some of the current developments all inspired by the CRC and make a distinction between abuse and neglect outside the family and within the family setting, and conclude with activities that cover both areas.

1. CAN outside the family (art. 32-36, 37, 38 and 39 CRC)

Abuse of children outside the family is wide spread and is often cruel beyond imagination. One can think of sexual exploitation of children in the sex business, exploitation in the work place and in the streets, but also of very serious forms of torture and cruel and inhuman treatment of children in institutions.

Even without a CRC such practices are unacceptable and should be eliminated. But if one looks at the activities of in particular governments (but also of NGO's) before the CRC entered into force (Sept. 1990) and the current situation, the differences are remarkable.

In the first place there is unprecedented level of awareness, both nationally and internationally, of the existence of all these forms of exploitation and abuse and the CRC and have driven the CRC imperative to prevent and eliminate.zin?????

I refer to the reports the States Parties to the CRC have submitted to the CRC Committee and the Recommendations (Concluding Observations) this Committee gave for further targeted actions at the national level (www.unhchr.org).

I refer to the Declaration and Action Plans adopted at the international conferences. Against commercial Sexual Exploitation in Stockholm (1996) and Yokohama (2001) and regarding other forms of commercial exploitation to the many activities in around 50 countries of the ILO International Programme for the Elimination of Child Labour

(ILO/IPEC) and the related new ILO Convention 182 on the Elimination of the worst forms of Child Labour new ratified by over 130 States.

Finally, there are two Optional Protocols (OP) to the CRC that can play an important role in strengthening national and international efforts to combat the exploitation and abuse millions of children are still subjected to: the OP on the State of children, Child Prostitution and Child Pornography (OPSC) and the OP on the Involvement of Children in Armed Conflicts (OPAC). These OP's have each been ratified by over 150 States Parties. A growing number of first reports of States on the implementation of these OP's are submitted to and reviewed by the CRC Committee. This allows for an assessment of the progress made and of the remaining obstacles in the fight against the forms of exploitation and abuse covered by the OP's. It is clear that the reporting States have taken various legislative measures for the protection of children and other measures for the recovery and social reintegration of child victims. But more investment in terms of human????? and financial resources are needed for an effective implementation of these measures and prevention needs significant more attention. The Committee has made specific recommendations to that effect. Particularly more specific legislative measures are recommended to prevent the recruitment of children in armed forces/groups and their direct participation in armed conflicts (see the Concluding Observations on www.unhchr.019).

“Fine and impressive, but what has been the impact of all these efforts”? is the quite national question. The answer to this question is a mix of bad and good news. To begin with the bad news:

- sexual, commercial and other forms of exploitation and abuse still exist. But it is at the same time not realistic to expect that these violations of children's rights can be eliminated overnight. It requires ongoing efforts and will take time. But crucial is that the commitment to this elimination is translated in strong and long-lasting investments by both governments, NGO's and specialized UN agencies. The measurement of progress is hampered by the lack of statistical data but efforts are underway to improve the collection of relevant data.

The good news:

- the increased awareness results in an increase of the number of children identified and reported as victims of these forms of exploitation and abuse, an increase of

investigations and follow-up actions. It means that more child victims do get the attention and assistance they need and are entitled to. It also means that perpetrators are brought to justice and this can contribute to prevention.

- an increasing number of children are removed from the most exploitative forms of child labour and provided with the necessary assistance in terms of educational opportunities and work generating projects for their parents;

- it is likely, but difficult to prove, due to lack of baseline statistics, that all these measures of suppression do have a preventive effect and that also applies for the many targeted prevention programmes.

In short: progress has been made but we still have a long way to go (I'll come back to that).

2. CAN within the family (art. 19 CRC)

Child Abuse and Neglect within the family was nationally and internationally recognized as a serious problem before the CRC entered into force. Without going into details I refer to the many legislative and other measures taken in the 70's and 80's in the USA, Canada, Australia, New Zealand and quite a number of European countries and the establishment of inter alia ISPCAN, ANPPCAN (African Network) and many national organizations for the prevention of child abuse. The CRC has further strengthened this process and expanded it to many other countries that are States Parties to the CRC. In addition, thanks to article 19 CRC, more attention is given to CAN in children's homes and institutions although in that regard a lot remains to be done. Based on the reports of States Parties to the CRC Committee and its Concluding Observations, the following results can be identified (without being exhaustive):

- strengthening the legal protection of children against abuse in the family, in schools and institutions.

The most notable in this regard: the prohibition of corporal punishment and related awareness raising and preventive activities. This form of violence has been prohibited in schools and institutions in most States Parties to the CRC although an effective implementation is still a challenge. In addition: a slowly growing number of States (currently about 20) have explicitly prohibited corporal punishment in the family:

- strengthening of the reporting system for cases of child abuse including the introduction of a national Child Help-line and measures to educate/train professionals in order to ensure timely reporting (or other forms of effective actions);
- more attention for the protection of child victims, in particular when the child is involved in legal (criminal) proceedings as a witness. Inter alia: by making admissible video taped testimonies of the child, which avoids repeated interviewing and the need for a child to appear in court;
- the emphasis on the best interests of the child as the leading principle has resulted in the introduction in a growing number of countries of the possibility to remove the (alleged) perpetrator from the family home (instead of placing the child in an institution).

Remaining challenges: full implementation of measures put on paper and much more attention for abuse and neglect of children in institutions.

3. The UN Study on Violence Against Children (VAC).

From the observations so far it may be clear that the CRC generated a lot of activities regarding Child Abuse and other forms of Violence against children. It also made clear that it was and is a serious problem that deserved a lot of attention. It was the reason for the CRC Committee to devote two of its annual Days of General Discussion to Violence against children. In 2000 the focus was on State Violence against children and in 2001 on violence in the family and in school. These days resulted in two sets of specific Recommendations (www.unhchr.org) and the proposal to the Secretary General to undertake an international study on violence against children. This proposal was accepted by the General Assembly (GA) and the Study started de facto in 2004 and will be completed at the end of this year with the submission to the GA of its final report with recommendations.

It is of course too early to tell which recommendations will be made. But in the light of what I said before it is possible to at least identify some areas that need special attention. Without being exhaustive, let me give some ideas

- take all necessary measures to prevent violence against children, inter alia via awareness raising campaigns, training/education of professionals working with/for children, parenting courses, and support (counselling, material support) for vulnerable families empowering them to meet their parental responsibilities;

- take all necessary legislative measures to prevent and combat all forms of violence against children including the explicit prohibition of corporal punishment within the family and other settings such as the school and children's institutions. Particularly the part on the family may meet with some fierce resistance.

But in the light of the rights of the child we should promote and effectively implement the rule that violence against children (and any other human being for that matter) is unacceptable. There is no such thing as the right to beat, to kick, to shake your child or apply other forms of physical punishment.

The CRC Committee is currently preparing a General Comment on Corporal Punishment which it hopes to approve in its next session (May 2006);

- develop and implement comprehensive policies for the protection of children who are especially vulnerable and subject to violence such as street children, working children, juvenile offenders, children belonging to minorities such as indigenous children and children with disabilities and pay focussed attention to the protection of girls. In this regard all professionals and volunteers involved in the administration of juvenile justice should be trained in a non-violent treatment of (alleged) juvenile offenders;

- take all necessary measures to prevent and combat the use of violence in children's homes and institutions. This requires inter alia well-trained staff, the possibility to take disciplinary and other measures against perpetrators and to provide the children with a reliable, independent and child-sensitive mechanism which can receive complaints in incidents of violence (by staff or peers) and has the mandate to take measures to enforce the rule of no-violence.

Finally: all these and possible other measures should be a matter of priority for States Parties and for the effective implementation they should provide the necessary human and financial sources.

Andthe momentum created by this UN study, inter alia by the nine regional consultations organized last year, should not stop after the GA has adopted the recommendations of the Study. It is crucial to establish both at the national and international level, effective and independent mechanism for the follow-up and monitoring of the implementation of the recommendations. Shelving the recommendation in an office somewhere in the government is not a contribution to

the prevention of violence against children. But whatever happens, with the results of the Study the CRC remains a powerful tool and we should continue to use to prevent and combat all forms of violence against children and because of the respect for the rights of the child and because it is an important contribution to the creation of a non-violent society.