

**Call for
action!**

Key Advocacy Messages and Recommendations on priority themes for the UN Secretary General's Study on Violence Against Children

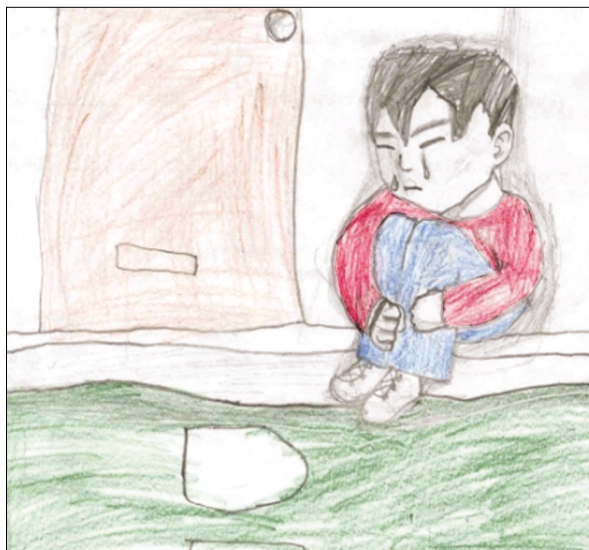
The International Save the Children Alliance is promoting the following advocacy messages and recommendations for the thematic issues of Child Participation, Child Sexual Abuse, Physical and Humiliating Punishment and Children in Conflict with the Law to be used for the UN Secretary General's Study on Violence Against Children in its regional consultations, preparation of the report and follow-up actions.



Save the Children

I. Child Participation

Title: "El diálogo es mejor que la violencia" (talking is better than violence) Author: L.G.L.S., age 10, Brazil



Background

Save the Children primary contribution to the Study is the promotion of the meaningful and ethical participation of children in all aspects of the Study. For Save the Children, the meaningful and ethical participation of children is guided by the following principles:

- An ethical approach and a commitment to transparency, honesty and accountability
- A safe approach in which children's protection rights are properly safeguarded.
- A non-discriminatory approach that ensures all girls and boys – regardless of their gender, ability, language, ethnicity, etc. – have an equal opportunity to be involved
- A 'child friendly' approach, which enables children to contribute to the best of their abilities.

Save the Children is playing an advisory and technical role in relation to children's participation at all levels of the Study (national, regional and international). This involves building capacity on children's participation, being an active member of regional child participation steering committees linked to the regional consultations, providing guidelines, resources and producing child friendly documents.

Recommendations

- To ensure that children and young people actively share their voices and actions and participate as equals with adults with knowledge, insight and experience of the wide range of issues involved

- To sensitise and build the capacity of adults to create enabling and child friendly environments for the Regional consultations and follow up processes/mechanisms.
- To ensure that children and young people actively advocate for their recommendations and actions with key decision-makers
- To ensure that the voices and actions of children and young people are incorporated in a meaningful way in regional thematic contributions to the Study (regional declarations/regional reports)
- To ensure that the consultations with children and young people are comprehensively documented to capture a genuine analysis of their voices and actions that can be used to influence national and regional follow up processes and to evaluate children and young people's participation in the process
- To produce child friendly, age specific and diversity sensitive information and material in local languages explaining the decisions and commitments made at the regional consultations, including any action plans
- To ensure that national organisations help children and young people to take part in national or regional follow up processes and activities after the regional consultations
- To support the continued sharing of information, actions and strategies between children and young people by promoting co-operation and networking between children and young people (nationally, regionally, globally)
- To continue to build and strengthen capacity on quality standards in participation processes for children and young people (research, programme cycles, consultations)
- To strengthen regional networks and their capacity to support children's participation in consultation processes
- To include children's organisations, forums and networks as institutional partners in national child rights coalitions and in reporting to and meeting with the UN Committee on the Rights of the Child
- To ensure that the voices and actions of children and young people about violence against children are systematically collected by the UN Committee on the Rights of the Child and all relevant national, regional or international monitoring bodies and instruments
- To ensure that children and young people are systematically included in the development, implementation and monitoring of measures and processes of key national and regional institutions to protect children from violence

2. Child Sexual Abuse



Girl age 12, from Nepal.

Background

Child sexual abuse is a grave violation of children's rights. It has been highlighted by children in different parts of the world as an issue that affects their lives fundamentally and needs to be addressed.

Save the Children defines child sexual abuse as: "the imposition of sexual acts, or acts with sexual overtones, by one or more persons on a child".

Child sexual abuse is a hidden and underreported form of violence faced by both girls and boys. Because of the stigma and shame that girls and boys experience, many children do not talk about the abuse in order to protect themselves and the perpetrator, who is often a family member. Children who speak up about child sexual abuse are often blamed, threatened or bribed by the abuser and they might not be believed by the adult to whom they report.

Child sexual abuse takes place in all settings such as schools, homes and families, communities, shelter homes, religious and other institutions, work places, police stations, prisons and in peace and war situations. Abusers come from all social classes and groups and can be either male or female, but statistically men comprise the majority of those who sex-

ually abuse children. The majority of the abusers are well known to the child. Research also indicates that about one third of the perpetrators are children below 18 years of age.

Sexual abuse of children reflects deep inadequacies and structural power imbalances between generations, sexes, classes, ethnic groups and races. Sexual abuse implies a physical and psychological encroachment as well as an abuse of trust. It harms the health and development of the child and excludes him/her from many spheres of life. Sexual abuse is for instance one of the factors that cause children to drop out of school or run away from home. They are also at risk of HIV/AIDS and of becoming pregnant. The silence of the adult world and the subsequent social isolation of the abused child are sometimes felt, by the child, as badly as the abuse itself. Lack of protection and support may also make the child more vulnerable to additional forms of abuse and exploitation in society, for example trafficking.

Most countries in the world do not have an appropriate or sufficient justice and child protection system, one that includes child friendly legal structures where the child feels safe to report the abuse. Appropriate actions are seldom taken against the abuser. There is great potential for preventing and protecting children from child sexual abuse if girls and boys are listened to, get support, and the society implements child friendly communities, schools and ways of behavior.

Advocacy messages and recommendations

ADVOCACY MESSAGE 1:

Child sexual abuse is **a serious violation of children's rights which needs to be addressed from a child rights approach.**

It is therefore important to address both the immediate and the root causes of child sexual abuse such as patriarchal structures, unequal power relations between adults and children and societal justification and acceptance of violence. It is also essential to listen to girls and boys and recognize them as social actors rather than as passive victims of violence.

RECOMMENDATION:

It is essential to challenge patriarchal structures and unequal power-relations between adults and children which protect the abuser. Work with men and boys to address gender discrimination, promote healthy relations and address dominant forms of masculinity are therefore an important measure.

Attention needs to be drawn to the vulnerability of children to sexual abuse because of their gender as well as because of their ethnicity, disability, caste, sexual preference or economic status.

ADVOCACY MESSAGE 2:

Interventions have to be informed by the experience, resilience and views of the child. When addressing child sexual abuse it is important to listen to children and involve them in designing child friendly interventions to prevent and address child sexual abuse including protection mechanisms. Child friendly, age and diversity sensitive information is essential, including information on prevention and action against child sexual abuse and the understanding of sexuality.

RECOMMENDATION:

Support children to organize themselves and advocate for their protection against child sexual abuse and involve girls and boys in developing actions to address it. Child friendly and age specific information about life skills, including gender relations, reproductive health, sexuality and child sexual abuse, needs to be part of the school curricula in order to prevent the recurrence of child sexual abuse. It is also important to create safe spaces where girls and boys can talk about and report on child sexual abuse and be protected. The mapping of children's own actions to address violence will also help in developing appropriate child protection mechanism.

ADVOCACY MESSAGE 3:

Governments should be recognized as the primary duty bearer and responsible actor for addressing child sexual abuse. However all actors and members of the society has a responsibility including parents and families as the primary care givers.

Mothers and fathers need to be strengthened in this role to be able to protect and empower children to speak out about child sexual abuse.

RECOMMENDATION:

Develop and implement laws against child sexual abuse, in order to demonstrate to society that child sexual abuse is unacceptable. National laws need to be adjusted to comply with international standards and implemented in a child sensitive way. A child may be reluctant to report child sexual abuse if he/she is afraid that his/her relative might go to jail. It is also essential to ensure that children are not criminalized for having been sexually abused, but given the support and protection that they need.

Promote child centered and community based structures to prevent child sexual abuse and develop family centered, community based psychosocial approaches to address child sexual abuse. Before withdrawing the child from the family it is important to try to address abuse in the family setting. Both

female and male family members should be supported through family counseling. Peer counseling should be made available for children with abusive behavioural problems.

Build capacity and increase the knowledge of child sexual abuse, children's resilience and child participation among professionals, such as teachers, medical doctors, lawyers, police and law enforcement institute. Governments need to provide minimum standards for care givers and provide guidelines to the various agencies for reporting on suspected child sexual abuse.

ADVOCACY MESSAGE 4:

New partnerships and alliances need to be formed between institutions, organizations and professionals for promoting child friendly societies.

Provision of preventive measures as well as of legal, medical and psychosocial services including the set- up of child protection units in schools, communities and institutions is essential.

RECOMMENDATION:

Promote a multi-sectoral approach to prevent, protect and assist children who have been sexual abused. Cooperation between agencies should be encouraged and support be provided for the development of child protection strategies and procedures. Journalists need to be trained in communicating information in a way that does not lead to further humiliation, stigmatisation and exploitation of children.

The adult society has to take responsibility for child sexual abuse in order to challenge the denial and minimisation of the abuse and exploitation of girls and boys. It is the responsibility of adults to protect children and develop a legal and social system that provides children with justice.

3. Physical and Humiliating Punishment

Author Kwon Eun-jung, girl, age 18 (senior, high school) from South Korea. The drawing is entitled 'family war'.



Background

Physical and humiliating punishment is still tolerated to a high degree in all regions of the world as a way in which adults instil discipline in and exercise control over children. Across the world millions of children are being physically and emotionally punished by those who are responsible for looking after them. Physical and humiliating punishment is used at home, in schools, in care institutions, in detention, at work places and in the streets. As a result, this infringement of child rights often passes by unchallenged as a common everyday occurrence needing little discussion or public attention.

The strongest, usually unintended, message that physical and humiliating punishment sends to the mind of a child is that violence is acceptable behaviour, that it is all right for a stronger person to use force to coerce a weaker one. This helps to perpetuate a cycle of violence in the family and in society.

In consultations all over the world, children are giving evidence that physical and humiliating punishment is the most common and the most widespread form of violence they experience. The Save the Children believes that it is essential not just to listen to children, but also to act on what they say.

Save the Children has therefore taken the lead internationally in building momentum towards the recognition that physical and humiliating punishment is a serious breach of children's rights.

Save the Children opposes all forms of physical and humiliating punishment on children. This position is based on Save the Children's knowledge of children's experiences and perceptions of physical and mental punishment and of its impact on children. It is also rooted on children's human rights.

Physical and humiliating punishment is defined by Save the Children in the following way:

Physical punishment includes hitting a child with the hand or with an object (such as a cane, belt, whip, shoe, and so on); kicking, shaking, or throwing a child, pinching or pulling their hair; forcing a child to stay in an uncomfortable or undignified position, or to take excessive physical exercise; burning or scarring a child (and the threat of any of these actions).

Humiliating punishment takes various forms such as verbal abuse, ridicule, isolation, or ignoring a child.

Save the Children works towards eliminating, through legal reform, education, and other measures, all forms of control and punishment of children in the home, schools and all other settings which breach children's fundamental rights to respect for their physical integrity and human dignity.

Members of Save the Children and their partners in all regions are undertaking various campaigns against physical and humiliating punishment in the home, schools, and other settings.

Advocacy messages and recommendations

ADVOCACY MESSAGE 1:

Save the Children calls for the UN Study to **clearly state that physical and humiliating punishment is violence against children, and a serious breach of children's fundamental human rights. It should therefore be made visible and challenged as a socially accepted and, to varying degrees, legal form of violence.**

RECOMMENDATION:

Physical and humiliating punishment of children is not always recognised as unacceptable violence, with the call for action that such recognition carries. Little research exists on its prevalence, root causes, and the effects on children of various backgrounds (age, ethnicity, religion, sex etc.). This is also linked to the fact that such punishments are socially accepted in most countries as methods used to discipline or educate girls and boys. They are therefore not socially condemned or monitored as other forms of abuse.

Making the true extent of violence against children visible is an essential step towards gaining public and political support for its elimination. Research is therefore needed to make children's experiences of this violence visible and to fuel campaigns to eliminate it. The methodology exists for such studies, involving confidential interviews with parents and with children. These should be conducted with the appropriate ethical safeguards. Save the Children has pioneered studies, including with children, in many regions.

ADVOCACY MESSAGE 2:

Save the Children calls for the UN Study to request States to outlaw all use of physical and humiliating punishment

RECOMMENDATION:

Save the Children will work to ensure that the UNSG's Study recommends that States should with urgency explicitly prohibit all violence against children, including all forms of physical and humiliating punishment, in the family and in all other settings. This requires repeal of any existing defences that can be used to justify physical punishment and other humiliating forms of punishment and reform of any laws authorising this violence in any setting. Explicit prohibition in sectoral laws applying within the family and to alternative care, schools and the penal system is required. States should also ensure that child friendly protection services and mechanisms are in place to implement and follow up on legislation. Save the Children is actively advocating for law reform in many countries.

ADVOCACY MESSAGE 3:

Save the Children calls for the UN Study to show that legal reform is more effective if combined with awareness raising about children's right to protection and the promotion of positive forms of discipline, working with parents, teachers and other carers

RECOMMENDATION:

As a way to prevent further violence in the family, schools and more widely, awareness-raising on children's right to protection, promotion of a child-friendly and non-violent child-rearing and education and the principles of non-violent conflict resolution, need to be built into education. This should reach not just parents but future parents and be part of the training of all those working with or for children and families.

Political, community and faith leaders as well as educators need to be urged to support this awareness-raising and public education. Working to end physical and humiliating punishment of children is contributing to the prevention of all forms of violence, in childhood and later life. Save the Children has pioneered programmes and materials which can be adapted for all states and cultures.



Boy age 13, from Nepal.

ADVOCACY MESSAGE 4:

Save the Children calls for the UN Study to demonstrate the importance of involving children in the development of effective and appropriate actions to end all forms of physical and humiliating punishment and other forms of violence

RECOMMENDATION:

Children's right to meaningful participation is upheld in the Convention on the Rights of the Child. Save the Children's research demonstrates that promoting children's participation rights is incompatible with tolerating physical and humiliating punishment. Save the Children's programmes demonstrate participation in practice – in research, advocacy and public education, and there are many good examples from Save the Children's programmes where children take actions against violence.

4. Children in Conflict with the Law

Girl age 12, from Nepal.



Background

The overwhelming majority of children in conflict with the law are petty offenders and first time offenders and all too often they are children 'on the margins' whose very survival behaviours and strategies have been criminalised, and whose care and protection systems have failed.

These children are children with care issues, children living on the streets, children fleeing abusive families, children that have dropped out of school, children who survive through begging, scavenging or petty theft, children who are victims of trafficking or sexual exploitation, sometimes even children who are detained simply because of what is deemed to be "anti-social behaviours" or unruly behaviour. These children often account for over 90% or more of the children coming into conflict with the law in a particular country.

These children are dealt with through a formal Justice System that is not only inadequate but also ineffective in dealing with the challenges those children and their communities face.

In addition to being inappropriate, the formal Justice System exposes children to a violent and dangerous environment where they become hardened, victimised and more alienated from their society. Violence against children at the hands of law enforcement personnel, prison officers, or even other prisoners is very common. The excessive use of detention including for prolonged periods of time as well as the conditions in detention and correction institutions often lead to further violations of children's rights and their further marginalisation from society and stigmatisation.

Failures in the formal systems have drastic implications for children, in particular their lengthy and often arbitrary deten-

tion while awaiting trial instead of being on bail as required by international law, and their detention together with adults in conditions where violence, including sexual violence, is common. In addition, the use of the death penalty, life imprisonment without the possibility of release, torture and other cruel, inhuman or degrading treatment or punishment are all prohibited under international law and yet still used regularly against children in conflict with the law in a number of countries. The most important measure that can be taken to prevent violence against these children is for them not to enter the criminal justice system in the first place!

Advocacy messages and recommendations

ADVOCACY MESSAGE 1:

Prevent children coming into conflict with the law in the first place by properly addressing the care and protection challenges they face.

RECOMMENDATION:

- Prevention strategies supporting children within their families, communities and societies should be prioritised and developed, with the participation of children themselves.
- Early intervention in this area with a more holistic, multi-sectoral and community based approach involving at the very minimum the education, health and protection sectors is fundamental to preventing children coming into conflict with the law.

ADVOCACY MESSAGE 2:

Decriminalise status offences and survival behaviours (such as truancy, running away from home, begging, loitering, vagrancy), victims of sexual abuse and exploitation, and anti-social behaviours.

RECOMMENDATION:

- Survival behaviours such as begging and vagrancy and status offences such as truancy, running away from home, breaching curfews, for example, should be decriminalised. Children should simply not be criminalised for trying to survive, instead they should be supported.
- The criminal system should never be used to deal with children who have care issues or are deprived of good parental care for whatever reason. In particular, detention

facilities such as remand homes should never be used in such cases.

- Children who have not committed a criminal offence but whose behaviour is deemed socially unacceptable, for example “anti-social behaviour”, smoking or drinking etc. should never be dealt through the Justice System.
- Children who are victims of violence should never be criminalised (including detained against their will) including children who are trafficked, children in commercial sexual exploitation, children who have been sexually abused, children fleeing forced marriages or who have married without the consent of their parents and eloped.

ADVOCACY MESSAGE 3:

Diversion options should be seen as the first and priority response to children coming into conflict with the law and it should be the RULE, not the exception. Reserve the formal justice system only for serious and violent offenders.

RECOMMENDATION:

- The overwhelming majority of children in conflict with the law are children who have committed petty offences, usually first offences and whose behaviour has been criminalised. These children should be diverted away from the criminal justice system and through community-based alternative diversion mechanisms.
- The formal criminal justice system should only deal with the very small minority of children who have committed very serious crimes, usually involving violence and therefore represent a threat to themselves and/or their society.
- Diversion must take place at every given opportunity including through informal diversion mechanisms at the community level and in the justice system. Key actors including community leaders, members of local authorities as well as officers of the justice system, (in particular the police, prosecutors, social workers and judges) should be trained to understand the importance of diversion, their role in it and the alternative mechanisms available.
- Resources and priorities must be refocused away from an expensive, ineffective and often dangerous criminal justice system to developing a range of sustainable and localised community-based options focused on reintegration, guidance and support.

ADVOCACY MESSAGE 4:

Establish comprehensive, child-centered, restorative juvenile justice systems that implement international standards and provide real alternatives to detention.

Hold perpetrators of violence against children accountable through effective and transparent complaints, monitoring, investigation and redress mechanisms.

RECOMMENDATION:

- A specialised child-centred justice system must be established with an overarching aim of social reintegration. This

system should always guarantee the rights of children as required by Articles 37 and 40 of the Convention on the Rights of the Child and abide strictly by international standards in the administration of Juvenile Justice.

- In particular, detention should ALWAYS be a measure of last resort and should be for the shortest appropriate period of time and specific measures should be in place to ensure that. Detention represents the most dangerous and isolating period for a child coming into conflict with the law and it is often the place where he or she is exposed to the highest risk of violence. Regulating conditions of detention is a fundamental requirement to preventing violence including ensuring the segregation of children away from adults, the separation of boys from girls and the convicted from those awaiting trial.
- There should be a strong and independent system of oversight, monitoring and public scrutiny for the justice system and a policy of “no tolerance” for those who violate the rights of children within it. The investigation and prosecution of perpetrators of violence and those who abuse the system, including officials responsible or condoning arbitrary and unlawful detention, should be a priority for governments.
- All forms of torture or other cruel, inhuman or degrading treatment or punishment should be immediately abolished and perpetrators brought to justice. There should be an immediate repeal of all legislation, policies and practices allowing the use of capital punishment, life imprisonment without the possibility of release, excessive imprisonment, and physical/corporal punishment as a sentence or disciplinary measure within the justice and penal system.
- A co-ordinated response by all the key agencies in the justice system including police, social services, legal services, the prosecution, the judiciary, the probation services and the community based organisations and services is crucial to ensure a continuum of care and protection for the child in conflict with the law.

ADVOCACY MESSAGE 5:

Reintegration and rehabilitation in the community and society should be clearly stated as the overall aims of all interventions with children in conflict with the law.

RECOMMENDATION:

- It is by supporting and encouraging the most marginalised children to be part of, and play a positive and constructive role in, our societies and communities that we will ensure that these children have a stake in abiding by our social rules.
- Children are key in finding effective solutions to the problems and challenges they face. Children, including children that have already come into conflict with the law, must be involved in preventative strategies to minimise children coming into conflict with the law in the first place, as well as in the reform of the system and the development of community-based alternatives.

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