

# **10 YEARS ON: GLOBAL PROGRESS & DELAY IN ENDING VIOLENCE AGAINST CHILDREN – THE RHETORIC & THE REALITY**



## Report 2016

*Prepared by*  
**The International NGO Council  
on Violence Against Children**

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### **The International NGO Council on Violence against Children —**

The International NGO Council on Violence against Children (formerly the NGO Advisory Council for follow-up to the UN Secretary-General's Study on Violence against Children) was established in 2006 to work with NGOs and other partners, including member states, to ensure that the recommendations from the UN Study on Violence against Children are effectively implemented. The International NGO Council includes representatives from ten international NGOs, including major human rights and humanitarian agencies, as well as nine representatives selected from their regions.

The International NGO Council works closely with the Special Representative to the Secretary-General on Violence against Children, and encourages and maintains NGO involvement at the national, regional, and international levels in follow-up advocacy with governments, UN agencies and others for full implementation of the Study recommendations. A full list of membership may be found in the Acknowledgements, and further information on the International NGO Council may be found at: <https://www.crin.org/en/home/rights/themes/violence/un-study/international-ngo-council-violence-against-children>

### **Acknowledgements —**

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### **International NGO Council Membership —**

#### **International NGO Representatives**

Veronica Yates	Child Rights International Network – CRIN, (Co-Chair)
Ileana Bello	Defence for Children International (Co-Chair)
Jo Becker	Human Rights Watch
Dorothy Rozga	ECPAT International (Co-Chair)
Peter Newell	Global Initiative to End all Corporal Punishment of Children (until 2016)
Arellys Bellorini	World Vision International
Carolina Bárbara	World Organization Against Torture (OMCT)
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# INTRODUCTION

**The International NGO Council on Violence Against Children formed in 2007, to support strong and effective follow-up to the UN Study on Violence against Children. Now, as the Sustainable Development Goals adopt the call to end all violence against children and the Global Partnership to End Violence Against Children take up the mantle of pursuing this goal, the NGO Council publishes its fourth and final report: a warts and all account of the progress made and the work that lies ahead to end violence against children.**

In the ten years since the Study was published, we have made great strides in learning about the violence that affects children around the world and we have seen great advances in combating some of those forms of violence. Yet for many children, violence is an ever present fact of life. Where progress has been made, it remains tainted by its limitations: the rates at which children are subjected to female genital mutilation are falling rapidly, but because of population increases, the number of women and girls who have experienced this form of violence are actually increasing. The number of countries that have legally prohibited all forms of corporal punishment of children has tripled since the Study was published, yet an estimated one billion children still experience physical violence in the home on a regular basis. Children in detention are among the most vulnerable to violence, and while detention rates in many of the world's juvenile justice systems have fallen sharply over the last decade, we are seeing the detention of children in immigration systems increasing and taking on new forms.

Perhaps worse still, many of the most severe forms of violence children experience remain legal, whether in the 14 States that still allow the death penalty for children, the 22 countries that still legally permit certain forms of female genital mutilation, or the 93 that allow girls to marry before the age of 18. The Violence Study set 2009 as a deadline to legally prohibit all of these practices, but we are still far from this goal.

The persistence of violence against children is a challenge to us all: why have we not been able to achieve change quickly enough? The contributions from key global experts on violence against children point to some hard truths about our failings, but also to the way ahead. We have failed to effectively challenge the social acceptance of so many forms of violence and struggled to achieve the legal prohibition of all forms of violence that is a necessary basis for eliminating these practices. If we are to realise goal 16.2 of the SDGs to end all forms of violence against children by 2030, we must learn these lessons of our efforts so far.

This report is the NGO Council's contribution at the start of this next stage of the struggle to end violence against children: a reminder of how far we've come and the challenge ahead.

## RECOMMENDATIONS

**The United Nations Secretary-General's Study on Violence Against Children includes a set of 12 “overarching” recommendations.**

These are:

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

There are also more detailed recommendations, applying to the five settings of childhood in which violence occurs – home and family, schools, care and justice systems, the workplace and the community.

The urgency of acting on the Study's recommendations was underlined throughout Professor Pinheiro's reports. Three recommendations were singled out with time-bound goals set for them:

- By 2007: integrating into national planning process measures to prevent and respond to violence against children, including the identification of a focal point, preferably at ministerial level;
- By 2009: prohibiting all violence against children by law;
- By 2009: initiating a process to develop reliable national data collection systems.



# 10 years of the UN Study on Violence against Children, a milestone in the protection of children's rights.

*Paulo Sérgio Pinheiro, Independent Expert who led the UN Secretary-General's Study on Violence against Children; Chairperson of the Independent International Commission of Inquiry on Syria.*

**It is hard to believe that ten years have passed since the launch of the UN Study on Violence against children. It was an eventful journey and also a great, often deeply demoralising, personal journey for myself and many others who collaborated on this study.**

It revealed to me just how far children almost everywhere have been left behind in the accelerating condemnation and prohibition of inter-personal violence in human societies. How paradoxical and shocking it is that the smallest and most vulnerable should still in a majority of states be waiting for basic legal protection from violence in their homes and other settings.

Because we really tried in the UN Study to give children meaningful space and time to reveal their own feelings, it also taught me how deeply children feel about the daily assault on their dignity by people they want to love or at least respect.

Countless children asked me, during the nine regional consultations and other meetings, whether the Study would make a difference to their lives. It was easy enough for us to write then: "The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as 'tradition' or disguised as 'discipline'."

Now, 10 years on, we must ask whether that "turning point" has been reached, whether we have anything much to celebrate. I am afraid our conclusion has to be – not much. Children have been, are still being, left behind.

Their voices are certainly being heard more strongly; there is much more research revealing the awful scale of adult and state violence against children and many more studies emphasizing the harm it does.

The second of the Study's 12 overarching recommendations was to prohibit all forms of violence against children in all settings, including all corporal punishment and all other harmful traditional practices. We naively set 2009 as the target for achieving this clear and comprehensive prohibition. Six years after that deadline, there has been some progress, but we are still far from achieving it.

I want to emphasise the importance of the need for legal reform because children's rights to protection cannot be satisfied without law which clearly and where necessary explicitly prohibits violence against them.

Back in the period of the Study, we used to hear people suggesting that there are already enough laws protecting children – the problem lies elsewhere. But this is first of all wildly inaccurate – very few states as yet have an adequate framework of law fully protecting children from all forms of violence. And it is disgracefully undermining of the rule of law. At times during the course of the Study, and more recently in the context of the Commission of Inquiry into Syria, I have felt despairing about states' and others' ability to understand that insisting on full respect for human rights and the rule of law is quite simply the only hope for human societies. We must insist on a clear and complete legal framework of prohibition as the essential foundation.

How far a state has got in constructing and then systematically implementing such a legal framework is a clear sign of true commitment. Of course it is not enough: other, primarily educational measures, must be linked to law reform: but law in itself, properly disseminated, is a most powerful tool in changing traditional social norms.

Almost all states, by ratifying the United Nations Convention on the Rights of the Child, are under a clear obligation to protect the child from all forms of violence. Now, 26 years after the Convention's adoption, we have an additional advocacy context with the Sustainable Development Goals and in particular target 16.2 on "ending" all violence against children and other relevant targets. The Agenda is of course very welcome, as is its pledge that "we will leave no one behind".

Whether it provokes faster progress will depend as usual on how creative and passionate and persuasive ours and others' advocacy is. But 2030 seems a very long way away for all of us and especially for children: we need to set ourselves and states much closer targets, including in particular to achieve universal legal protection.

We have to get to the detail beyond the vagueness of a commitment to "end" all forms of violence; all states will sign up to that – indeed they have... just as so many have enthusiastically repeated the Study's slogan: "No violence against children is justifiable; all violence against children is preventable".

But, to try to end on a few more positive notes: we do know that in terms of prohibiting all violent punishment of children, there is progress: the number of states with a full ban has trebled from 16 in 2006 to 48 today; and another 53 states have committed to full prohibition: thus more than half of UN member states have either banned or committed to do so.

I dwell on this issue for a number of reasons: first, as UNICEF has documented so clearly in its very valuable “Hidden in Plain Sight” report, this is the most common form of violence against children; second because, both during the Study process and still today, challenging its legality and social acceptance remains extraordinarily controversial, with some states still prepared to openly defend so called “reasonable” physical punishment, some still caning and flogging children in their medieval penal systems.

Others are going to address sexual violence against children. I just want to mention finally the state violence embodied in so-called juvenile justice systems, most often more accurately labelled penal systems for children. I am so glad that there is to be a UN Secretary-General’s Study on the restriction of liberty of children and that my dear friend Marta has been preparing the way for it.

If, as it appears, we can achieve rapidly accelerating progress in prohibiting violent punishment of children including within the family, surely we can and must with renewed passion argue for an end to the state violence of criminalising children and locking them up as punishment? The new Study will hopefully be uncompromising in promoting this.

The World Report on Violence against Children, published with the UN Study report, urged governments to limit detention only to those who have been assessed as posing a real danger to others, and then only as a last resort, for the shortest necessary time, and following judicial hearing.

If we really want to build a world free from fear and violence, it is high time to accept that clearly prohibiting violent punishment of children, by their parents and other carers and teachers and by the state – is an essential foundation stone. My personal pledge is to continue voicing these concerns and to support global efforts to achieve effective and explicit prohibition of all forms of violence against children, including in their homes.

I welcome the other international initiatives like High Time and the new Global Partnership and Fund – I am privileged to be a member of the interim advisory Board for the Partnership. We must of course ensure complementarity and collaboration.

I very much welcome this latest report from the International NGO Council on Violence against Children, a group of NGOs that I worked closely with throughout the Study process. I strongly support their persistent and unapologetic insistence on a rights based agenda for ending violence against children.

*“...it is high time to accept that clearly prohibiting violent punishment of children, by their parents and other carers and teachers and by the state – is an essential foundation stone.”*



# Zero needs to be the sum of all our forces: zero violence

Marta Santos Pais, Special Representative of the Secretary General on Violence against Children

**Thanks to the unprecedented mobilization generated by the adoption a decade ago of the United Nations Study on Violence against Children and the significant progress in implementation of its recommendations across regions, children are today better protected from violence and nations are better equipped to prevent, respond and move towards its elimination. Yet, the urgency of this cause has not diminished: as recent estimates show, every year, and across the regions of the world, millions of children suffer from sexual, physical and emotional violence, with millions more at risk. Indeed, over one billion children - half of all children in the world - experience violence each year. One child who is a victim of violence is one too many.**

Realizing the right of every child to freedom from violence is a fundamental dimension of the United Nations Convention on the Rights of the Child and its Optional Protocols. The adoption in September 2015 of the 2030 Agenda for Sustainable Development gives the international community a path to achieving the vision of the Convention, building a world that is just, equitable and inclusive, and free from fear and from violence.

Agenda 2030 seeks to provide children and young people with a nurturing environment where their rights and capabilities can be fully realized, and places the abuse, neglect and exploitation of children at the heart of its concerns, making the ending all forms of violence against children a universal target to be achieved by 2030 (target 16.2).

This is a historic breakthrough! We must now transform this momentum into an inclusive and unstoppable movement and place the protection of children from violence at the forefront of the policy agenda of every nation.

Violence compromises children's rights. But beyond its destructive impact on children and their families, it is associated with serious economic and social costs, and can easily destroy development gains that took decades to build. Violence undermines the investments nations make in the education and health of children, and in the promotion of gender equality and empowerment. It also incurs major costs to the criminal justice, health and social services systems while eroding the fabric of local economies through productivity and human capital losses.

Most girls and boys who are exposed to violence suffer in silence, loneliness and fear and are often left behind in access to appropriate care and support to overcome their trauma, and regain confidence and hope in building their future and developing to their full potential. Most children simply do not know where to go or whom to call for help; and these challenges may seem unsurmountable if the perpetrator is someone responsible for their protection and well-being.

As recent national household surveys show, very few girls and boys report the violence they experience and even fewer seek help after the abuse; of those who do, less than 10 per cent receive any services, leaving the vast majority isolated and unsupported. Yet, as the UN Study on Violence against Children highlighted, the lack of care and attention for child victims of violence is not a fate and can be prevented.

Agenda 2030 provides a strategic roadmap to achieve this goal. But its real value and success will be measured by the tangible progress in implementation on the ground, and in partnering with children as agents of change - reaching out to those furthest behind, those who are the most invisible and forgotten, and often also the most at risk of violence, abuse and exploitation.

The implementation over the past ten years of the recommendations of the UN Study provides a strong foundation to guide our efforts towards the elimination of all forms of violence foreseen by SDG target 16.2. As we move ahead, it is imperative to build upon the awareness-raising and social mobilization initiatives launched by nations across regions to break the invisibility and overcome the social acceptance of violence; teach positive parenting skills; enhance professional knowledge and expertise; and help children feel empowered, develop their social and emotional skills, and enhance their confidence and resilience. It is vital to widen and consolidate further the legal measures adopted by an increasing number of States to ban all forms violence against children, secure the protection of child victims and fight impunity.

National plans of action remain indispensable to guide implementation and resource mobilization efforts and can draw upon those already in place in more than half of the world's countries, along with mechanisms to collect and analyse data to inform planning, policy and budgetary decisions, and monitor progress along the way. Step by step, child protection systems are being strengthened; more and more professionals working with and for children are being trained in early detection, prevention and response to violence; and promising experiences are opening avenues to support children and their families gain access to counselling, legal advice and representation to seek redress, recovery and reintegration.

The recommendations put forward by the UN Study are indeed as relevant today as they were ten years ago. And the sense of urgency they conveyed then still remains. In the countdown to 2030, the country-led national progress reviews on the SDGs provide a unique opportunity to scale up efforts for the design and implementation of comprehensive and nationally owned sustainable development strategies to address violence against children that should include: the enactment and enforcement of explicit legal bans on all forms of violence against children; the collection and use of appropriately disaggregated data on children's exposure to violence; and the promotion of public information and wide social mobilization efforts to overcome deeply rooted social norms that condone incidents of violence against children. These steps will help build a world free from violence and achieve target 16.2.

The positive change achieved so far in children's protection from violence is the result of the sustained efforts of many governments, organizations, institutions and individuals, and the engagement of children themselves. But more and better is required! In the count-down to 2030, everybody is needed and everybody counts. The beginning of the implementation of the new Sustainable Development Agenda in the year of the tenth anniversary of the United Nations study marks the start of the most important countdown: towards a world free from fear and from violence for all children, with no one left behind.

This is the theme of the initiative "High Time to End Violence against Children" that we launched with a broad range of partners in early 2016. This innovative talent and time raising effort believes in the transformative power of leaders from all walks of life and in their determination to stand up for children. It aims at reigniting commitments and scaling up positive and concrete initiatives to create circles of non-violence around children's lives to reach the SDGs violence-related targets, especially target 16.2.

It is indeed high time to close the gap between the commitments to preventing and addressing violence against children and the action that can translate this goal into a reality for every child. It is high time to genuinely address the root causes of violence and promote a culture of respect for children's rights and of zero tolerance of violence. It is high time to mobilize the passion of all those who can actively engage in the creation of circles of non-violence in children's homes, schools and communities. The sum of all our forces should be zero: zero violence!

*"...real value and success will be measured by the tangible progress in implementation on the ground, and in partnering with children as agents of change – reaching out to those furthest behind, those who are the most invisible and forgotten, and often also the most at risk of violence, abuse and exploitation."*



# THE PERSISTING NIGHTMARE OF VIOLENCE IN CHILDHOODS

Ten years on from the UN's violence study, we know more about violence affecting children around the world than ever before. Gaps in the available information endure as many forms of violence remain hidden, but improved information and greater understanding were among the most successful outcomes of the Study. Yet despite this improvement, the violence children experience persists on a massive scale in all settings.

## *Physical punishment*

Parental use of violence against children is among the most common forms of violence children experience. Children continue to be slapped, punched, kicked and beaten by their parents, often accompanied by verbal or psychological violence.

UNICEF figures from 2014 covering 62 countries showed that an alarmingly high number of children reported experiencing some form of violent punishment in the previous month. Globally, 70 percent of children reported experiencing psychological aggression, while 60 percent reported experiencing physical punishment. In total this amounted to 80 percent of children experiencing some form of violent punishment across this period, varying from 45 percent in Panama to 95 percent in Yemen. Among these countries, the 20 States with the highest level of violent punishment of children were all within the Middle East, North Africa or sub-Saharan Africa.<sup>1</sup>

Of these children, 17 percent reported experiencing the most extreme form of violence covered by the survey, which included hitting the child on the head, ears or face or hitting the child hard and repeatedly.<sup>2</sup> Children in MENA are the most likely to experience this most serious form of

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<sup>1</sup> UNICEF, *Hidden in Plain Sight: A statistical analysis of violence against children*, 2014, p. 96.

<sup>2</sup> Ibid. at p. 97.

violence and more than 40 percent of children reported experiencing the most severe forms of physical punishment in the previous month in Yemen, Egypt and Chad.<sup>3</sup>

In the majority of countries boys and girls experience violent punishment at a similar rate, though in a third of countries, boys are slightly more likely to experience violent discipline than girls, while this form of violence is more commonly experienced by younger children.<sup>4</sup>

### Homicide and infanticide

In 2012, 95,000 people under the age of 20 died as a result of homicide.<sup>5</sup> Globally, this is a rate of four homicides per 100,000, but the rate varies significantly by region: 90 percent of victims lived in low or middle income countries and more than half of these victims died in just ten countries.<sup>6</sup> The homicide rate for children and adolescents is at its highest - 12 per 100,000 - in Latin America and the Caribbean followed by West and Central Africa where it is two and a half times the global average.<sup>7</sup>

This lethal violence also disproportionately affects boys across all regions, but the disparity is most pronounced in Latin America and the Caribbean where boys are seven times more likely to die as a result of interpersonal violence than girls.<sup>8</sup> Age is also a factor in the likelihood of children dying as a result of homicide. More than half of young homicide victims are between the ages of 15 and 19, while children younger than five are the next most at risk group, accounting for 20 percent of homicides of young people.<sup>9</sup>

### Gang violence

In the United States alone, an estimated 273,875 children were believed to be involved in 29,900 gangs in 2011.<sup>10</sup> Across Mexico and Central America, estimates of how many children are involved with *mara* are notoriously unreliable and vary between 50,000 and 350,000.<sup>11</sup> In its in depth study of children, violence and organised crime, the Inter-American Commission on Human Rights found that the *mara* phenomenon, historically labelled a youth issue, has become a more complex social and intergenerational phenomenon, as children become involved in the same groups their parents were associated with.<sup>12</sup> The Caribbean too has seen changes in the way that gangs operate that defy easy classification. A study in Trinidad and Tobago estimated that of 2,300 children of school age that took part in the survey, 42 percent had joined a gang for friendship, 29 percent for security and protection, eight percent for economic reasons and 5.9 percent because they already had a family member in the gang.<sup>13</sup>

3 Ibid. at p. 99.

4 Ibid. at p. 102.

5 World Health Organisation, Global Health Estimates (GHE) Summary Tables: Deaths by cause, age, sex and region, 2012, 2014.

6 Nigeria, Brazil, India, Democratic Republic of the Congo, Mexico, Ethiopia, United States, Pakistan, Colombia, Venezuela. UNICEF, Hidden in Plain Sight: A statistical analysis of violence against children, 2014, p. 37.

7 World Health Organisation, Global Health Estimates (GHE) Summary Tables: Deaths by cause, age, sex and region, 2012, 2014.

8 Ibid.

9 Ibid.

10 National Gang Center, National Youth Gang Survey Analysis. Available at: <https://www.nationalgangcenter.gov/Survey-Analysis>.

11 Inter-American Commission on Human Rights, Violence and Organised Crime, p. 72. Available at: <http://www.oas.org/en/iachr/reports/pdfs/ViolenceChildren2016.pdf>.

12 Ibid.

13 Ibid. at p. 73.

The relationship between children and gang violence is often only analysed from the perspective of children as offenders, but this is a gross simplification of the way that gang violence impacts children. Children are among the groups hit hardest by insecurity, violence and crime, and risk being deprived of human rights protections by harsh and punitive responses to gang related crime.<sup>14</sup> So called zero tolerance “anti-mara” laws across Latin America have resulted in granting greater powers to security forces, the imposition of harsher prison sentences, the increased use of pre-trial detention, lowering the minimum age of criminal liability and the imposition of new offences such as “criminal association”.<sup>15</sup> The prolonged use of pretrial detention and overcrowding in detention increase the risk of children experiencing violence and can themselves be a form of violence to children who are detained.<sup>16</sup>

*“The IACHR recognises that, in compliance with their duty to ensure human rights, Member States must assume the functions of prevention, deterrence and suppression of crime and violence; however, most citizen security policies in the region today are heavily focused on the security forces exercising coercive control and punitive crackdowns by the criminal justice system. These policies seek short-term results but they do not address underlying causes and pay insufficient attention to prevention.”*

— Inter-American Commission on Human Rights

### Violent sentencing

Children around the world remain at risk of being subjected to violence at all stages of the justice system, including as an order of the courts.

### Death penalty

In the ten years since the UN’s Violence Study, at least 80 executions of child offenders have been carried out in four States. This is a rise from the 32 executions carried out in the decade leading up to the study,<sup>17</sup> though the rise in the figures may be a result of better information on the executions of child offenders. Though the international consensus against executing people for offences committed when they were under 18 is stronger than ever, and the number of States executing children has declined, the practice continues unabated among the last holdouts. It remains incredibly difficult to estimate the number of people on death row for offences committed as children; the problems of age determination and secrecy militate against complete statistics. However, the best estimates indicate that globally as many as 1000 people may be on death row for offences they allegedly committed as children.<sup>18</sup>

14 Ibid. at p. 75.

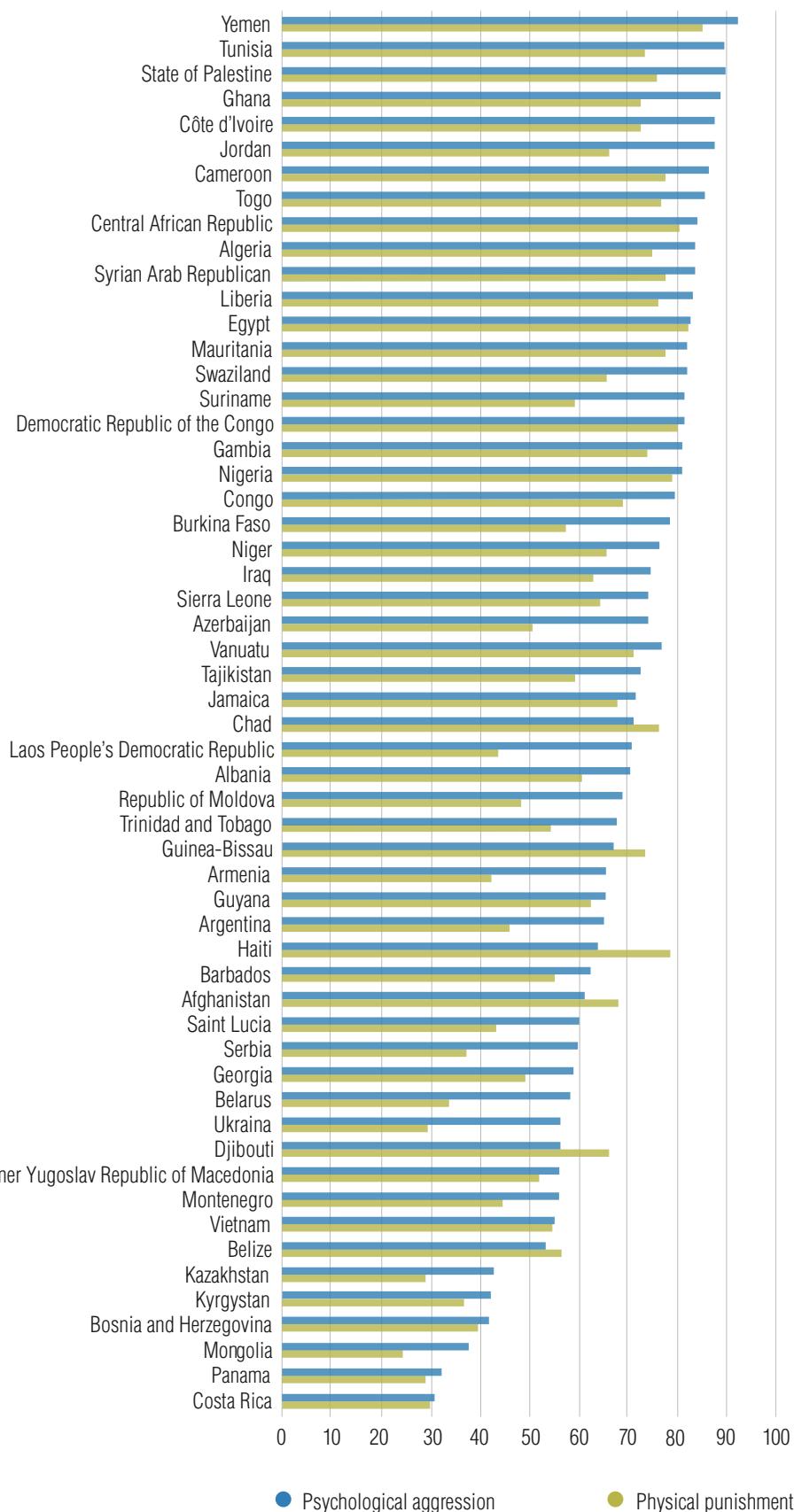
15 Inter-American Commission on Human Rights, Violence and Organised Crime, p. 163

16 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/28/68, 5 March 2015, para. 69.

17 Amnesty International, Executions of Juveniles Since 1990, 13 April 2016. Available at: <https://www.amnesty.org/en/documents/document/?indexNumber=act50%2f3832%2f2016&language=en>.

18 Iran (160), OHCHR, Iran: Execution of juvenile offenders breaches international law, 26 June 2014. Pakistan (800), Justice Project Pakistan and Reprieve, Juveniles on Pakistan’s Death Row, March 2015; Yemen (60), EU/UNICEF oped: Joining force against juvenile death penalty in Yemen, 10 October 2014; Saudi Arabia (3 or more), CRIN, Saudi Arabia: Inhuman sentencing of children, October 2015, p. 3.

## Violent Punishment



**Notes:** Data for Belarus differ from the standard definition. Data for Kyrgyzstan refer to children aged 3 to 14 years. Data for Panama refer to children aged 1 to 14 years. For Argentina, the sample was national and urban (municipalities with a population of more than 5,000), since the country's rural population is scattered and accounts for less than 10 per cent of the total.

**Source:** UNICEF global databases, 2014, based on DHS, MICS and other nationally representative surveys, 2005-2013.

## *Children in detention*

Children in detention are at a greater risk of experiencing violence in general<sup>19</sup> but detention itself can also be a form of violence. On any given day, more than 155,000 children are detained in the criminal justice system in 177 countries around the world.<sup>20</sup> The figures for many countries with the worst records on detaining children have seen a sharp downward trend since the UN's Violence Study: the number of children detained in Russia, for example, has fallen by almost 80 percent since 2006, while over the same period the child prison population in the United States has fallen by almost a third. Yet this downward trend has not been replicated worldwide and several States in Latin America have seen a sharp rise in the number of children detained: more than nine times as many children were detained in relation to criminal offences in Mexico in 2013 than at the time of the Violence Study.<sup>21</sup>

A fall in the number of children detained is unarguably in the spirit of the recommendations set out by the UN Study, yet this figure doesn't distinguish between detention that meets the standards set by the UN Study on Violence Against Children and that which does not. The Study recommended that detention is only to be used for child offenders who are assessed as posing a real danger to others, and then only as a last resort, for the shortest necessary time, and following a judicial hearing.<sup>22</sup> The population of prisons and detention centres can never in itself measure whether this standard is being met. Even the most detailed statistics produced by States do not single out people serving life sentences for offences they committed as children, a practice that was specifically identified by the Study.<sup>23</sup>

Detention in the juvenile justice system is also only part of the picture when looking at the children deprived of their liberty. There are no reliable global figures for the number of children deprived of their liberty as a result of their immigration status, but as of 2015, UNHCR reported that it was aware of a total of 141,180 children detained for immigration related purposes across its 12 focus countries.<sup>24</sup> Figures for the number of children detained for mental health, drug use or national security are equally uncertain.

## **Harmful practices based on tradition, culture, religion or superstition<sup>25</sup>**

**Every year, thousands of children die or are permanently injured as a result of harmful practices perpetrated by parents, relatives, religious or community leaders or other adults based on tradition, culture, religion or superstition.**

### *Female genital mutilation (FGM)*

The exact number of people who have undergone female genital mutilation is unknown, but at least 200 million women and girls across 30 countries have been subjected to the practice. In Somalia, Guinea, Djibouti and Sierra Leone, more than 90 percent of women and girls aged 15 to 49 have undergone FGM, while in Gambia, Mauritania, Indonesia and Guinea more than 45 percent of girls have experienced this violence before reaching the age of 15.<sup>26</sup>

The prevalence of the practice has fallen sharply over the last three decades: Egypt has seen the number of girls subjected to FGM fall from 97 to 70 percent, while Kenya has seen a fall from 41 to 11 percent among girls aged 15 to 19. But despite this decline, due to population growth, globally there has been an absolute increase in the number of girls being subjected to FGM and based on current figures this number is set to rise significantly over the next 15 years.<sup>27</sup>

### *Child marriage*

Child marriage rates are decreasing, yet each year around 15 million girls are married before the age of 18.<sup>28</sup> These girls are more vulnerable to sexual violence, are less likely to receive adequate medical care during pregnancy, and face serious health risks if they become pregnant before they are physically mature enough to give birth. Complications during pregnancy and childbirth are the second leading cause of death for girls between the ages of 15 and 19.<sup>29</sup> The practice is at its most common in South Asia where 29 percent of adolescent girls are married, followed by West and Central Africa where a quarter of girls are married.<sup>30</sup>

19 Pinheiro, World Report on Violence Against Children, 2006, pp. 196-200.

20 Figures collected from 177 countries, based on statistics produced by national bodies responsible for collecting this data, UNODC figures, figures reported to the Committee on the Rights of the Child or estimates based on data collected by the Institute for Criminal Policy Research.

21 Figures produced by United Nations Office on Drugs and Crime, Juveniles held in prisons, penal institutions or correctional institutions, available at: <https://www.unodc.org/unodc/en/data-and-analysis/statistics.html>. Accessed September 2016.

22 United Nations Secretary-General's Study on Violence Against Children, 209. Available at: <http://www.unicef.org/violencestudy/reports.html>.

23 A small number of States publish statistics on the number of children sentenced to life imprisonment, but not the number of people detained under life sentences imposed for offences committed by children. For more information, see CRIN, Inhuman sentencing: Life imprisonment of children around the world, 2015. Available at: [www.crin.org/node/41239](http://www.crin.org/node/41239).

24 UNHCR, Beyond Detention: A global strategy to support governments to end the detention of asylum-seekers and refugees - 2014-2019, August 2016, p.31. Available at: <http://www.unhcr.org/en-us/protection/detention/57b579e47/unhcr-global-strategy-beyond-detention-progress-report.html>. Focus countries are: Canada, Hungary, Indonesia, Israel, Lithuania, Malaysia, Malta, Mexico, Thailand, the United Kingdom, the United States and Zambia.

25 For more information, See International NGO Council on Violence against Children, Violating Children's Rights: Harmful practices based on tradition, culture, religion or superstition, October 2012. Available at: [https://www.crin.org/en/docs/InCo\\_Report\\_15Oct.pdf](https://www.crin.org/en/docs/InCo_Report_15Oct.pdf).

26 UNICEF, Female Genital Mutilation / Cutting: A global concern. Available at: [http://www.unicef.org/media/files/FGMC\\_2016\\_brochure\\_final\\_UNICEF\\_SPREAD.pdf](http://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf).

27 Ibid.

28 UNICEF, Ending Child Marriage: Progress and Prospects, 2014, p. 6.

29 World Health Organisation, Adolescent Pregnancy: Fact Sheet No. 364, updated September 2014.

30 UNICEF, Hidden in Plain Sight: A statistical analysis of violence against children, 2014, p. 131. Available at: [http://www.unicef.org/publications/index\\_74865.html](http://www.unicef.org/publications/index_74865.html); UNICEF, The State of the World's Children 2014: In numbers - every child counts, 2014.

## Killing in the name of “honour”

In 2000, the United Nations estimated that 5,000 women and girls were murdered every year in the name of “honour”.<sup>31</sup> These killings can take the form of direct murder; stoning; women and young girls being forced to take their own lives after public denunciations of their behaviour; or being disfigured in attacks that later result in death.<sup>32</sup> Despite the growing attention garnered by these killings, it is not clear how many children are affected and estimates as to the scale of this violence are now woefully out of date.

## Initiation rites and ceremonies

Children across the world take part in initiation ceremonies which celebrate and prepare for the move from childhood to adulthood. Many of these traditional ceremonies are harmless and valued for providing cultural education for children and creating meaningful dialogue between generations. However, initiation rites, particularly in certain parts of Africa, can involve harmful and degrading practices which can result in extreme health complications as well as psychological harm for the children who participate in them. Traditional circumcision, central to the rite of passage for boys in a number of communities, has been associated with negligence and assault, particularly in unofficial initiation schools. In South Africa, 1,865 boys were injured as a result of botched circumcisions between 2008 and 2012, and there have been at least 153 deaths since 2012.<sup>33</sup> Girls’ initiation rites often perpetuate harmful stereotypes about gender roles and sexual expectations, and can sometimes involve extreme forms of sexual abuse. In Malawi, the conclusion of a girl’s initiation may be marked by a sexual ritual known as *kusasa fumbi*, whereby an older man in the community will have sexual intercourse with newly initiated girls.<sup>34</sup>

## Dangerous, harmful or hazardous work

The number of children engaged in hazardous work has fallen sharply in recent years, from 115.3 million in 2008 to 85.3 million in 2012. Hazardous work is any activity or occupation that leads to adverse effects on a child’s safety, health and moral development and includes work exposing children to physical, emotional or sexual abuse as well as work involving dangerous machinery, heavy manual labour or dangerous heights.<sup>35</sup>

The largest group of these children are working in the Asia Pacific region, while there is particularly high prevalence in Sub-Saharan Africa.<sup>36</sup> Of these children, girls are significantly more likely to be involved in hazardous

<sup>31</sup> United Nations Population Fund, The State of the World’s Population 2000: Lives together, worlds apart, 2000, p. 29. Available at: [http://www.unfpa.org/sites/default/files/pub-pdf/swp2000\\_eng.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/swp2000_eng.pdf).

<sup>32</sup> Baydoun, Killing of women in the name of honour: An evolving phenomenon in Lebanon, 2011, para. 78.

<sup>33</sup> The Guardian, “South African initiation schools: botched circumcisions, kidnap and death threats”, 25 September 2015. Available at: <https://www.theguardian.com/global-development-professionals-network/2015/sep/25/south-africa-initiation-schools-botched-circumcisions-kidnap-death-threats>.

<sup>34</sup> Melanie Stuart, A Cultured Education: Malawi as an example for protecting the rights of the girl child in the face of cultural barriers, 2011, p. 10. Available at: [https://humanrightsstudyproject.files.wordpress.com/2012/07/mstuart\\_malawi.pdf](https://humanrightsstudyproject.files.wordpress.com/2012/07/mstuart_malawi.pdf).

<sup>35</sup> For discussion of the types of labour covered by the term “hazardous labour” see International Labour Organisation, Children in Hazardous Work, p. 3. Available at: [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_155428.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_155428.pdf).

<sup>36</sup> International Labour Organisation, Global Child Labour Trends 2008 to 2012, 2013, p. 12. Available at: [http://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_23015/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23015/lang--en/index.htm).

work between the ages of five and 14, but this relationship is reversed among children aged 15 to 18.<sup>37</sup>

## Trafficking

Accurate global figures for the number of child victims of trafficking are scarce, and the figures that do exist are now substantially out of date and often focus on a subset of children who are trafficked. In 2005, the International Labour Organisation estimated that 980,000 to 1.2 million children were in forced labour situations as a result of trafficking.<sup>38</sup> More recent figures have tended to avoid global estimates of the number of trafficking of children, instead commenting on trends; in 2014, for example, the United Nations Office on Drugs and Crime reported that between 2010 and 2012 a third of trafficking victims were children, a rise of five percent compared to 2007-2010.<sup>39</sup>

## Sexual violence

Sexual violence is often used as a catch-all term to describe the full range of abusive sexual practices and exploitation affecting children, from rape and forced sexual activity, to unwanted sexual advances and being compelled to engage in sexual intercourse for money. Estimates are available for the number of children who have experienced sexual violence, but underreporting is a serious challenge to gauging the scale of the problem. Research has indicated that the number of victims who do not report childhood sexual abuse until adulthood varies between 30 and 80 percent and it is impossible to know how much abuse is never reported.<sup>40</sup>

Results from studies on the prevalence of sexual violence affecting children vary in context and methodology. A meta study of prevalence of sexual abuse across 55 studies from 24 countries found figures ranging from eight to 31 percent among girls and three and 17 percent among boys.<sup>41</sup> Generally, girls are more likely to experience sexual violence than boys, but boys disproportionately experience certain forms of sexual abuse and exploitation in certain regions. For example, in the Baltic Sea Regional Study on Adolescents’ Sexuality carried out in 2003 and 2004, boys self-reported exchanging sexual services for pay at a higher rate than girls, including more than 20 percent of boys in Poland.<sup>42</sup>

The stigma and shame that victims often experience as a result of sexual violence not only makes sexual violence difficult to identify and measure, but compounds the harm children endure, as they attempt to cope in isolation. Common coping strategies can include leaving home, avoiding school, engaging in risky sexual activity, drug taking and other activities that can place them at risk of further abuse or exploitation.<sup>43</sup>

<sup>37</sup> Girls make up 57.5 percent of the children engaged in hazardous work between the ages of five and 11 and 56 percent between the ages of 12 and 14, but boys make up 81.4 percent of the children involved in hazardous work between the ages of 15 and 18.

<sup>38</sup> International Labour Organisation, Trafficking in Children, p.5, Available at: <http://www.ilo.org/ipec/areas/Traffickingofchildren/lang--en/index.htm>.

<sup>39</sup> UNODC, Global Report on Trafficking in Persons, 2014. Available at: [https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP\\_2014\\_full\\_report.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf).

<sup>40</sup> UNICEF, Hidden in Plain Sight, p.63.

<sup>41</sup> Barth et al, “The Current Prevalence of Child Sexual Abuse Worldwide: A systematic review and meta-analysis”, International Journal of Public Health, vol. 58, no. 3, 2013, pp. 469-483.

<sup>42</sup> Baltic Sea Regional Study on Adolescents’ Sexuality, 2003-4.

<sup>43</sup> UNICEF, Hidden in Plain Sight: A statistical analysis of violence against children, 2014, p. 62.

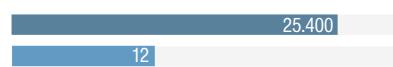
## Number of homicide victims among children and adolescents aged 0-19 years, 2012.

Source: World Health Organisation, Global Health Estimates (GHE)

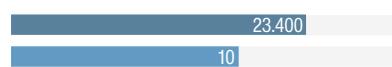
Summary Tables: Deaths by cause, age, sex and region, 2012.



Latin America and the Caribbean



West and Central Africa



Middle East and North Africa



South Asia



East Asia and the Pacific



Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS)



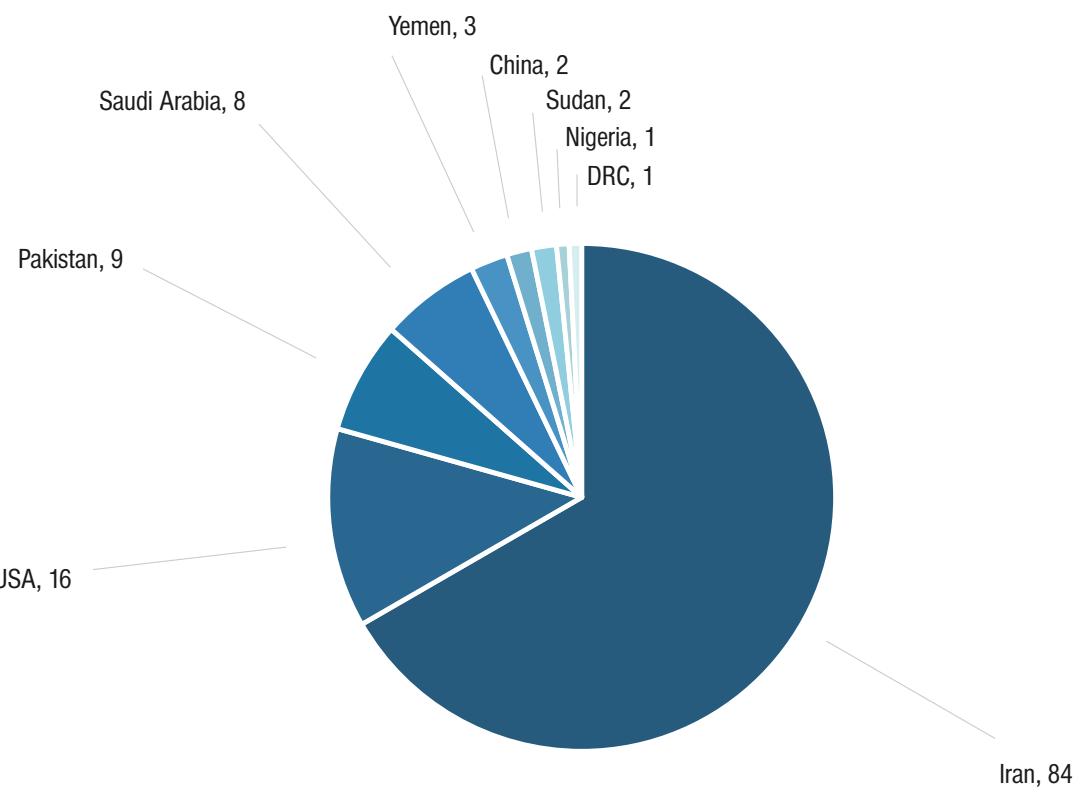
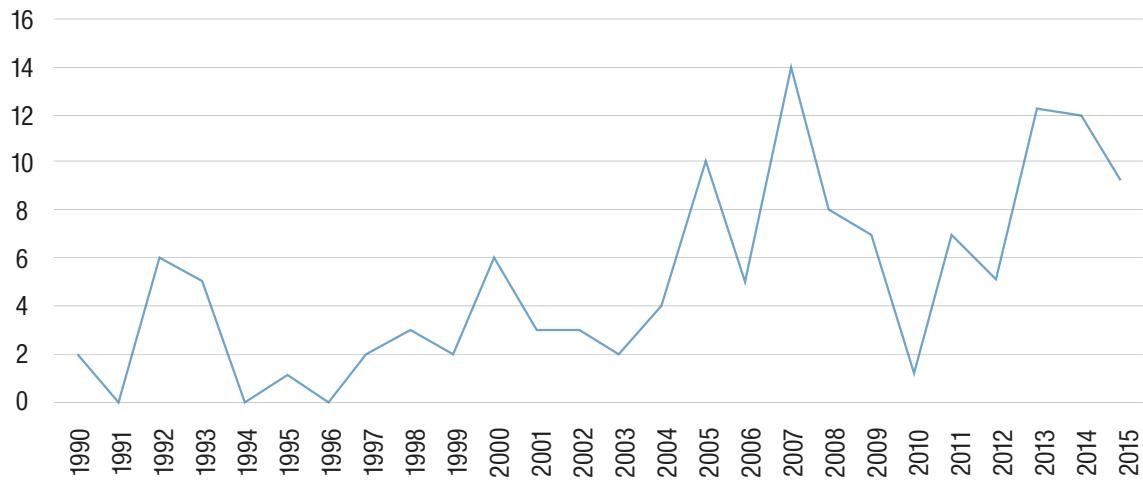
Countries outside these regions



- Number of homicide victims
- Homicide rate per 100,000

## Death Penalty

Execution of child offenders since 1990



**Source:** Amnesty International, Executions of Juveniles Since 1990, 13 April 2016

## *Sexual exploitation connected to travel and tourism*

As the travel and tourism industries have developed - tourist arrivals have almost doubled over the last 20 years - the sexual exploitation of children related to this phenomenon has also changed. There are no reliable global figures for the number of children who have been sexually exploited, let alone those affected by this abuse in the context of travel and tourism. Figures have been produced for certain regions - in 2013 civil society organisations have estimated that two million children aged 11 to 17 were being sexually exploited in Latin America<sup>44</sup> - but problems in collecting reliable data undermine attempts to put together a global picture of the exploitation children face. Underreporting continues to be a serious problem as child victims will often be hesitant to come forwards and the reporting mechanisms to deal with abuse are often not in place.<sup>45</sup>

Study of the subject has, however, demonstrated trends in this form of violence. It is no longer possible to map the international travel of sex offenders: distinctions between "countries of origin" and "countries of destination" have blurred and more children than ever before are at risk of sexual exploitation related to travel. Nor is there a typical offender; offenders may be foreign or domestic, young or old, some are women and a few may be children. Offenders include those who travel to commit sexual offences as well as situational offenders - those who may not have considered the possibility of sexually exploiting a child until they found themselves in a situation where they were able to do so.<sup>46</sup> In different regions, this exploitation can also take different forms, whether the development of "virginity seeking" among Asian men in South-East Asia related to the belief that sexual intercourse with a virgin is rejuvenating or can bring good luck to a planned business venture<sup>47</sup> or the emerging practice of "webcam child sex tourism" whereby children are coerced into performing sexual activities by an abuser through an intermediary.<sup>48</sup>

## *Bullying*

Bullying is a worldwide problem. A survey of 106 countries on the prevalence of children's experience of bullying, perhaps the broadest study to date, found that children aged between 13 and 15 reported experiencing bullying at vastly different rates, from seven percent in Tajikistan to 74 percent in Samoa.<sup>49</sup> A similar study targeting schoolchildren found that an average of 32.1 percent of children in the same age group across 66 countries experienced bullying at school at least once during the previous 30 days.<sup>50</sup> Demonstrating the ways that violence perpetuates itself, children who have experienced violence from caregivers are significantly more likely to engage in bullying, particularly those who have experienced physical or sexual abuse.<sup>51</sup> Witnessing parental physical abuse of domestic violence is also a significant risk factor for bullying.<sup>52</sup>

The growth of the internet and social media have resulted in an increase in online bullying. In a survey questioning 25,000 children across 25 European States, the EU Kids Online Survey, six percent of internet users reported being bullied online. The United States has seen an upwards trend in the percentage of children experiencing cyberbullying between 2007 and 2015, from 18.8 to 24 percent.<sup>53</sup>

Some groups of children are at particular risk of bullying. A 2011 study in the United States found that 82 percent of LGBT children and adolescents reported being verbally harassed because of their sexual orientation, while more than a third reported that this abuse occurred frequently.<sup>54</sup> In the same study, 60 percent of LGBT children said they had not reported incidents to school staff, while 56 percent did not tell family members. A study in the United Kingdom, found that between 30 and 50 percent of children in secondary schools who were attracted to members of the same sex experienced homophobic bullying.<sup>55</sup> Ethnic minority children or children with disabilities can also be particularly vulnerable to bullying.<sup>56</sup>

<sup>44</sup> InSight Crime, "2 million children sexually exploited in LatAm: Women's Coalition", 22 March 2013. Available at: <http://www.insightcrime.org/news-briefs/2-million-children-sexually-exploited-latam>.

<sup>45</sup> For discussion of the data gap in sexual exploitation of children in travel and tourism, see ECPAT, Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016, pp. 75 - 83.

<sup>46</sup> ECPAT, Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016, p. 15, 45, 75 - 83.

<sup>47</sup> The Protection Project, International Child Sex Tourism. Scope of the problem and comparative case studies, 2007, p. 136.

<sup>48</sup> Terre des Hommes, Webcam Child Sex Tourism: Becoming Sweetie: a novel approach to the global rise of webcam child sex tourism, 2014.

<sup>49</sup> Reported in UNICEF, Hidden in Plain Sight: A statistical analysis of violence against children, 2014, p. 120.

<sup>50</sup> National Institute of Public Health, Bullying victimisation among 14 to 15-year-old school children: results from two comparative studies in 66 countries and regions, Int J Adolesc Med Health, 2008, Apr-Jun; 20(2): 209-21. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/18714557>.

<sup>51</sup> Shields and Cicchetti, "Parental Maltreatment and Emotion Dysregulation as Risk Factors for Bullying and Victimisation in Middle Childhood", Journal of Clinical Child and Adolescent Psychology, vol. 30, No. 3, pp. 359-363. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/11501252>.

<sup>52</sup> Laheem, Kuning and McNeil, "Bullying: Risk factors becoming 'bullies'", Asian Social Science, vol. 5 No. 5, 2009, pp. 50-57.

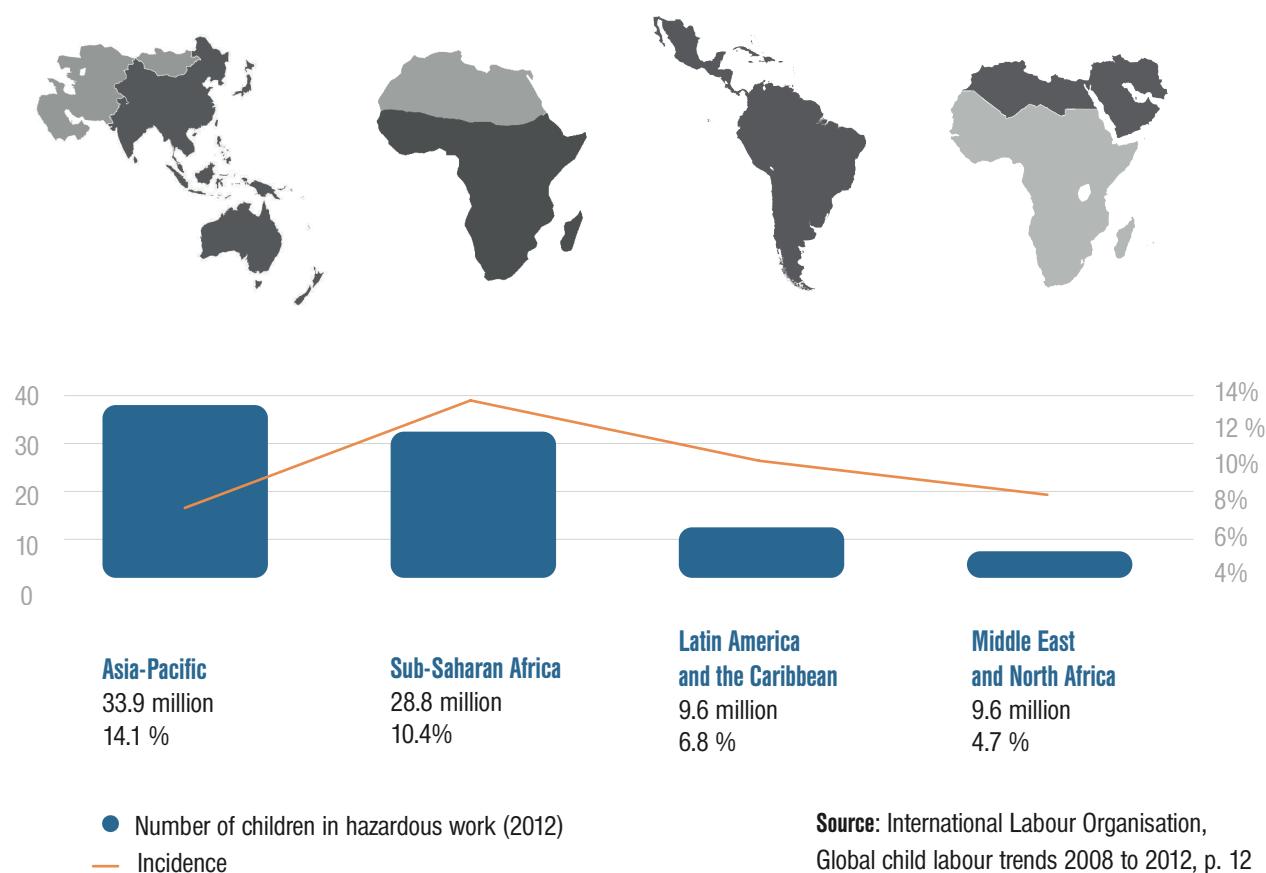
<sup>53</sup> Cyberbullying Research Centre, Statistics. Available at: <http://cyberbullying.org/statistics>.

<sup>54</sup> Kosciw, J. G., et al., The 2011 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools, the Gay, Lesbian and Straight Education Network (GLSEN), New York, 2012. Available at: <https://www.glsen.org/download/file/MzIxOQ==>.

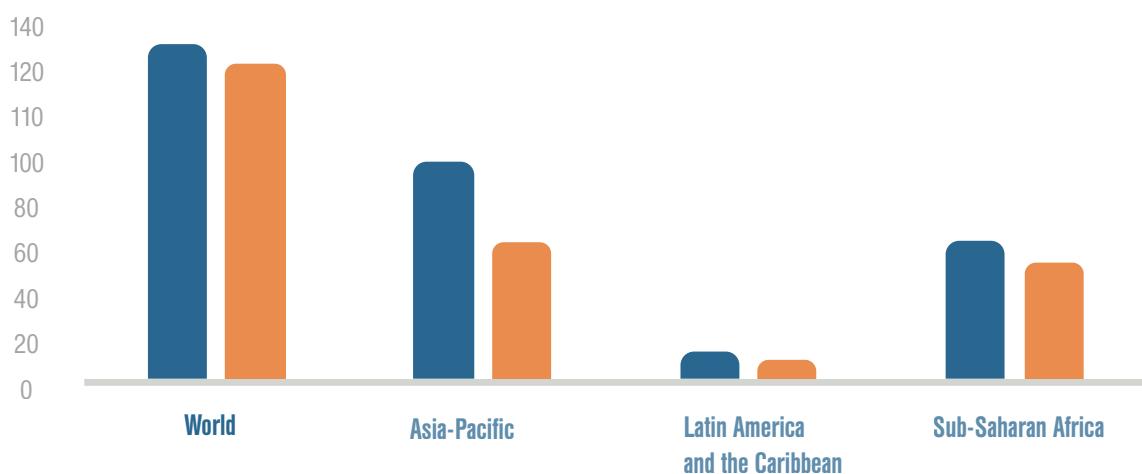
<sup>55</sup> Warwick et al., Homophobia, Sexual Orientation and Schools: A review and implications for action, Research report RR594, Department for Education and Skills, University of London, London, 2004.

<sup>56</sup> Monks, Ortega-Ruiz and Rodríguez-Hidalgo, 'Peer-victimization in Multicultural Schools in Spain and England', European Journal of Developmental Psychology, vol. 5, no. 4, 2008, pp. 507-535; Kouwenberg, M., et al., 'Peer Victimization Experienced by Children and Adolescents Who are Deaf or Hard of Hearing', PLOS ONE, vol. 7, no. 12, 2012, p. e52174; Monks, C. P., R. Ortega-Ruiz and A. J. Rodríguez-Hidalgo, 'Peer-victimization in Multicultural Schools in Spain and England', European Journal of Developmental Psychology, vol. 5, no. 4, 2008, pp. 507-535.

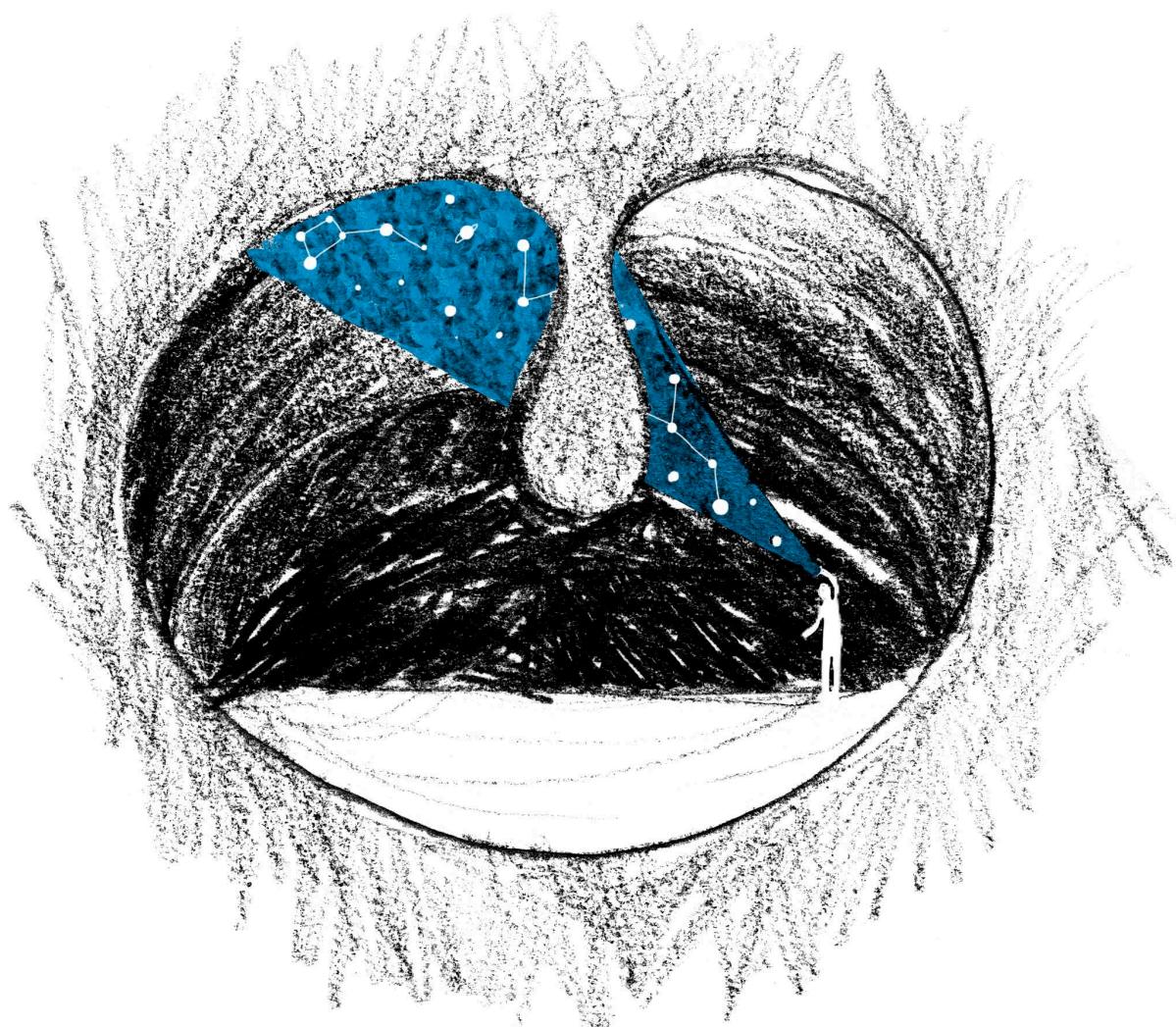
## Child Labour



Total Number of Children in work by region: change between 2008 and 2012



**Source:** International Labour Organisation, Global child labour trends 2008 to 2012, p. viii.



# Global Study on violence against children: 10 years onwards

Maud de Boer-Buquicchio, UN Special Rapporteur on the sale of children, child prostitution and child pornography.

**Time flies. Ten years ago, I was celebrating with my much esteemed friend Paolo Pinheiro the conclusion of a remarkable piece of research and advocacy: the World Report on Violence Against Children. I believe the UN Study was a game changer for two main reasons. First, it confronted the international community to the extent, complexity and impact of violence against children. Second, its preparation brought together governments, regional organisations, civil society, academia and children, prompting firm commitments and flexible alliances that kept growing and converging in a single agenda: implementing the UN Study recommendations at global, regional and national level. As Deputy Secretary General of the Council of Europe, I was honoured to bring violence against children at the heart of the Organisation's agenda. Several landmark treaties and other standards were adopted in the years that followed, new programmes developed, campaigns launched. They addressed sexual violence, trafficking, corporal punishment, child labour, gender based violence, bullying, violence in detention... The effort resulted in better laws, more effective policies, increased awareness, changes in social norms and more efficient international cooperation. In this combat, there are many moments of frustration but also many victories. As we mark the 10th anniversary of the UN Study, we must remember both.**

Children are not mini-human beings with mini-rights. Violence against children compromises all children's rights and is often a consequence of their lack of status and visibility in society. The estimates are that at least one billion children suffer from violence every year. For these children, time doesn't fly. It hurts. It kills.

Violence begets violence. Failure to identify, recognize and challenge some forms of violence (such as corporal punishment) increases exposure and vulnerability to other forms of violence (such as sexual abuse). There is no quick fix, but the best possible starting point is precisely the UN Study leitmotif: no violence is justifiable and all violence is preventable.

In September 2015, the international community adopted the Agenda for Sustainable Development, which will guide the work of many stakeholders towards a world free of poverty by 2030. The Agenda has set among its targets (16.2) the eradication of abuse, exploitation, trafficking and all forms of violence against and torture of children by 2030. Will we turn this deadline into a lifeline?

The process of implementation of the 2030 Agenda represents a historic opportunity to scale up the efforts invested in the preparation of the UN Study and in its follow up.

As governments set up their plans to integrate the SDGs in their national frameworks, it is important to safeguard the integrity and universality of the 2030 Agenda. The elimination of violence against children cannot be seen as an option in a long menu, but as a pillar of any plan to achieve fair, peaceful and prosperous societies. As the world starts the implementation of the most ambitious and important agenda ever, it is also crucial to ensure accountability and careful monitoring of progress.

As Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, I am in particular keen on seeing enhanced efforts towards the elimination of sale and sexual violence against children. Reliable segregated data continue to be lacking.

Research undertaken by ILO quantified for the first time in 2000 the extent of child sexual exploitation worldwide. Out of 8.4 million children involved in other worst forms of child labour, 1.8 million were being prostituted or coerced into producing pornography<sup>1</sup>. This data was nonetheless considered to be a conservative estimate and the ILO emphasised that the true extent of the sale and sexual exploitation was hard to quantify. In 2012, the ILO estimated that 5.5 million children below the age of 17 were involved in forced labour of which 960,000 were sexually exploited.<sup>2</sup> The drop in the number of children affected in these 10 years should nonetheless be questioned as the very nature of the activities of sale and sexual exploitation are clandestine and thus difficult to quantify. Besides exploitation through new technologies and in particular through the "dark web" has further complicated the collection of data.

Moreover, the social tolerance, shame felt by the victims and denial by the authorities all contribute to incomplete recording of these crimes. Consequently it is crucial to change mind-sets and encourage child victims to report their suffering with the assurance that they will be listened to and their complaints followed-up.

The agreement reached on a set of global indicators to monitor progress in the implementation of Agenda 2030 is excellent news. It puts the world in a “monitoring mode”, the next and indispensable step being the identification of indicators and benchmarks at national level.

The global indicators identified for Target 16.2 (“End abuse, exploitation, trafficking and all forms of violence against and torture of children) are useful benchmarks<sup>3</sup>, but they are not enough to measure progress in key areas. The global indicator to measure the eradication of sexual violence against children is a so called “proxy”. It concerns experience of sexual abuse in childhood at all ages but through interviews with people over 18. This is to take into account the fact that most prevalence data are built around interviews with adults or adolescents. This is not ideal, but probably the best way of covering the maximum of ages through data collection in a way that remains feasible and “safe”, avoiding ethical concerns. It does have the advantage of going beyond the data on reported sexual abuse (to authorities).

Clearly, the elimination of sexual violence calls for many important measures and more detailed indicators at national level. They could for example show the accessibility and use of reporting mechanisms, the percentage of victims that received support for recovery, care and reintegration, the adoption of comprehensive national strategies, the identification of victims, the prosecution of offenders, the amount of child sexual abuse material. In the quest for the best possible set of indicators and the most efficient ways to promote and monitor progress at national level, existing international and regional monitoring and cooperation mechanisms should be used to support States’ efforts and facilitate international cooperation. The ratification and implementation of the Convention on the Rights of the Child and its optional protocols are of particular importance in this context.

The global indicator to measure sexual violence against children will no doubt put in motion an unprecedented effort to obtain comparable data on the experiences of children around the globe. In an ideal world, however, the existence of a child friendly and effective reporting mechanism, would provide not only a much better source of information, but also the chance to respond to the abuse and protect its victims. The resource material on Child Friendly Reporting Mechanisms (CFRM) recently produced by Plan International is a great response to the need that I have identified in this area.

Every step towards a world free from violence will have an undeniable impact on children’s sense of agency and resilience and improve their much needed protection.

We can only hope that ongoing efforts at the international and national levels, including from non-governmental actors, combined with effective political resolve from world leaders and the allocation of necessary resources by States, will finally lead to the elimination of all forms of violence against children, including their sale and sexual exploitation.

I am convinced that the Mandate of the Special Rapporteur on sale and sexual exploitation of children can make a contribution to what is most important, namely a change in the hearts and the minds of all people in order to give children their due: full respect of their human dignity and a fair chance to shape the world they want.

And being able to say a heartfelt “yes” to Eliza’s question “When my time is up, have I done enough?” to make that possible, will be my indicator.

*“Every step towards a world free from violence will have an undeniable impact on children’s sense of agency and resilience and improve their much needed protection.”*

<sup>1</sup> Every child counts: New Global Estimates on Child Labour, ILO 2002, p.25

<sup>2</sup> Marking progress against child Labour – Global Estimates and trends 2002-2012, ILO 2013, p.22

<sup>3</sup> 16.2.1 Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month- 16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation -16.2.3 Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18

<sup>4</sup> Musical Hamilton

## A rallying cry for concrete action

Susan Bissell, Head of the Global Partnership

**It was a proud moment for me to be surrounded by many friends and colleagues this past July for the launch of the new Global Partnership to End Violence Against Children at the UN headquarters in NY - a new partnership which I am honoured and humbled to be heading.**

This new partnership and an associated fund will bring together stakeholders from across the world to end all forms of violence against children. In the words of the Secretary-General of the United Nations Ban Ki-moon: “there could be no more meaningful way to help realize the vision of the 2030 Agenda for Sustainable Development.”

But many great challenges lie ahead. I am not one for celebrating until I see concrete action, and real change in the lives of children.

While I feel hopeful with this new initiative, I am neither one to confuse promises with progress, nor words with deeds. The state of violence against children is as urgent today as it was ten years ago when we proudly welcomed the UN Study on Violence against Children. Perhaps even more urgent.

Indeed, ten years is a long time in the life of a child who is experiencing violence. Ten minutes is too long, yet, every five minutes a child dies as a result of violence. An estimated 120 million girls and 73 million boys have been victims of sexual violence, and almost one billion children are subjected to physical punishment on a regular basis.

So what concrete changes have today’s ten year-olds seen between the UN Study’s publication and the adoption of the SDG target 16.2 and related targets which aim to end all violence against children by 2030? Did we really need to put so much effort into getting the prevention of and response to violence against children so squarely in Agenda 2030? Will we be able to deliver on the promises we made?

If we are strategic, creative and determined, then the answer to these questions is a resounding yes.

If we look at these new goals in isolation from the broader established human rights framework – and in silos rather than partnerships – then the answer is a definite no.

This new global partnership must build on the work of the UN Study on Violence Against Children, including its 12 recommendations. The Study’s main message was that no violence against children is justifiable and all violence is preventable. It is a powerful main message that must now, more than ever, be translated into an agenda for action.

We have to examine closely what the UN study has achieved and how it can guide actions that will realize the SDG targets across the entire agenda. Our efforts must complement and build on the framework laid out by the UN Convention on the Rights of the Child. Other relevant international instruments should also buoy us along. If we fail to do this – to learn from and build upon what we have – we will fail the world’s children.

Importantly, we need to change attitudes. Challenging attitudes that excuse or justify adult violence as inevitable, private, or cultural is paramount. We need to win the argument that we should – and can – make societies safer for children. Let’s not wait another ten years before we take real concrete steps.

This is a rallying cry for everyone - we need to involve society as a whole and with children at the centre. It requires a change in how we as human beings think about violence, its impact and about how we act, to both prevent violence and respond to those who have been victimized. As Ban Ki-moon said “the Global Partnership to End Violence against Children is mobilizing the world.”

This is why I accepted this job.

*“The state of violence against children is as urgent today as it was ten years ago when we proudly welcomed the UN Study on Violence against Children. Perhaps even more urgent.”*

# Ending violence is essential for sustainable development

Introductory message by Kate Gilmore, Deputy High Commissioner for Human Rights

**More than 10 years ago, OHCHR, UNICEF and WHO joined hands to work towards preventing and eliminating all forms of violence against children. The work we undertook together in developing the UN Study on Violence against Children, under the leadership of the Independent Expert, Paulo Sergio Pinheiro, was unprecedented – and it led to unprecedented results.**

The UN Study, which was deeply rooted in concern for the human rights of children, urged States to prohibit all forms of violence against children, in all settings. This included all corporal punishment, harmful practices such as early and forced marriages, female genital mutilation, so-called honour crimes, sexual abuse, violence and exploitation, torture and other cruel, inhuman or degrading punishment and treatment. It called for full respect of international treaties, including the Convention against Torture and the Convention on the Rights of the Child. General Comment No. 13 of the Committee on the Rights on the Child, on “the right of the child to freedom from all forms of violence”, strongly reinforced this recommendation.

The message of the UN Study is enduring: “Violence against children is never justified and is entirely preventable”. Yet it occurs in every country in the world, crossing boundaries of race, class, religion and culture. Contrary to human rights norms and standards, including the Convention of the Rights of the Child and its Optional Protocols, children are subjected to violence in multiple settings, including the places where they should most expect respect and safety: their homes, schools and care and justice institutions/settings. Nowhere and at no time, have we as duty bearers even as their carers, yet managed to guarantee children absolute safety and absolute regard for their human rights, not even in cyberspace.

We have achieved a lot since the adoption of the UN Study. There is a heightened recognition of the need to prioritize the protection of children from violence, on international and regional agendas, and at the national level. As of today, 50 States have introduced a comprehensive ban on corporal punishment of children as part of their national legislation. In 2006, at the time of presentation of the UN Study there were only 16. This shows how far we have gone, but also the distance we have yet to travel.

However, let's be very clear: There is no such thing as an acceptable level of violence against children. Every society, no matter its cultural, religious, economic or social background, has the obligation and the options needed to stop this violence.

We must continue working together to transform the mindset and underlying conditions and social norms associated with violence against children. Violence prevents children from realizing their full potential and is a major threat to sustainable development. The inclusion in the new 2030 Agenda for Sustainable Development of a distinct target to end all forms of violence against children is an historic achievement that opens the door to a universal, practical and all inclusive effort to conclusively eliminate abuse, exploitation, trafficking and all other forms of violence against children. Let us – all of us – seize that opportunity and accept too its grave responsibility.

*“Nowhere and at no time, have we as duty bearers even as their carers, yet managed to guarantee children absolute safety and absolute regard for their human rights, not even in cyberspace.”*

# THE CONTINUING LEGALITY OF SO MANY FORMS OF VIOLENCE AGAINST CHILDREN

**Recognising that legal prohibition is necessary to end violence against children, the second recommendation of the Violence Study was to prohibit all violence against children. Globally there has been progress towards this target, but it remains unfulfilled. Around the world some of the worst forms of violence remain lawful: children can still be sentenced to death, subjected to violence at the hands of their parents and forced into marriages while they are much too young to make that commitment themselves.**

#### *Physical punishment*

The move to end corporal punishment of children in all settings has gathered pace since the Violence Study was published. Today, 50 States have prohibited corporal punishment of children in all settings, including the home, 33 of which did so in the last 10 years.<sup>57</sup> Progress has been much more rapid across some settings than others, while more than 80 percent of the world has abandoned physical punishment as a sentence for children, the overwhelming majority allow parents to legally hit children in the home.

#### *Violent sentencing*

Some forms of violence not only remain lawful as a result of failure to prohibit, but are actually prescribed by law. Children in the justice systems of many countries remain at risk of whipping, flogging, amputation, the death penalty and detention of a length and in conditions that may amount to torture.

<sup>57</sup> The Global Initiative to End All Corporal Punishment of Children, Childhoods free from corporal punishment - prohibiting and eliminating all violent punishment of children, June 2016, p. 5.

## **Death penalty**

Abolition of the death penalty for all offences committed by children was one of the explicit recommendations within the Violence Study, but in 14 countries the practice remains legal or continues to be imposed despite being illegal.<sup>58</sup> Far from a move towards abolition, since the violence study was published, Brunei Darussalam<sup>59</sup> and the Maldives<sup>60</sup> have legislated to introduce the death penalty for child offenders. Many of the countries that retain capital punishment for offences committed by children have not used these provisions and may not have carried out an execution in decades, but while the laws remain on the statute book, children remain vulnerable should the political situation shift. Developments in Pakistan confirmed this risk in December 2014, when it lifted its long standing moratorium on the death penalty and subsequently carried out the executions of at least five people who were children at the time of the relevant offence.<sup>61</sup>

## **Life imprisonment**

As of 2016, 66 countries still allow children to be sentenced to life imprisonment - from the most extreme form of the sentence in which they will never be eligible for release to more indeterminate sentences that permit the possibility of parole at some point.<sup>62</sup> The Study recommended that no one be sentenced to life without possibility of release for an offence committed while a child, but international standards have since developed, as the Human Rights Council,<sup>63</sup> General Assembly,<sup>64</sup> UN Secretary-General<sup>65</sup> and Special Rapporteur on torture<sup>66</sup> have called for an end to all forms life imprisonment for children.

Since the Study was published, life imprisonment without parole for children continues to be very rare internationally. Though the practice may be formally legal in a small number of jurisdictions, in practice it is only documented in the United States.<sup>67</sup> Prohibition of life sentences more broadly have also begun to be incorporated into justice reforms, since 2006, Bangladesh,<sup>68</sup> Eritrea,<sup>69</sup>

Madagascar,<sup>70</sup> France<sup>71</sup> and the Indian state of Jammu and Kashmir<sup>72</sup> all abolished life imprisonment for children while reforming their juvenile justice laws. Yet all too often, even when States abolish these sentences, they leave in place other penalties that are still much too long and fall short of the standards set by the Violence Study. Nor has reform been wholly towards prohibition, as some States, notably states within India,<sup>73</sup> have reintroduced life imprisonment as a possible sentence for children.

## **Pursuing prohibition through the courts**

Court challenges to the life imprisonment of children have spread around the world since the Violence Study. The United States Supreme Court has delivered three judgments establishing increasing restrictions on the practice<sup>74</sup> and Belize's Supreme Court has found life imprisonment without the possibility of parole to be unconstitutional.<sup>75</sup> In 2013, the Inter-American Court became the first regional human rights court to find that life imprisonment of children violated the protection against arbitrary imprisonment and, in the form that the sentence took in Argentina, violated the prohibition on torture, cruel, inhuman or degrading treatment or punishment.<sup>76</sup> The European Court of Human Rights has also consistently distinguished life imprisonment for adults from that for children in its decisions on adult sentences.<sup>77</sup>

## **Corporal punishment**

When the Study was completed ten years ago, 46 States and territories permitted children to be sentenced to some kind of physical punishment.<sup>78</sup> In 34 States, it remains legal to sentence children to whipping, flogging or caning under state, traditional or religious law. Some regions have completely abolished corporal punishment as a sentence - no country in Europe retains legislation permitting children to be subjected to violent physical punishments - but the practice remains lawful across parts of the Middle East, Caribbean, Oceania, South America and Africa.

## **Harmful practices based on tradition, culture, religion or superstition**

### **Female Genital Mutilation**

The recommendations of the Study singled out Female Genital Mutilation for prohibition, and since the recommendations were published an additional six States have instituted legislative bans.<sup>79</sup> However, 10 years on the

<sup>58</sup> CRIN, Brunei Darussalam: Inhuman sentencing of children, May 2014. Available at: [www.crin.org/node/23978](http://www.crin.org/node/23978).

<sup>59</sup> CRIN, Brunei Darussalam: Inhuman sentencing of children, November 2015. Available at: [www.crin.org/node/30446](http://www.crin.org/node/30446).

<sup>60</sup> CRIN, Pakistan: Inhuman sentencing of children, October 2015. Available at: [www.crin.org/node/23982](http://www.crin.org/node/23982).

<sup>61</sup> See CRIN, Inhuman sentencing: Life imprisonment of children around the world, March 2015. Note, since publication, Eritrea, Madagascar and the Indian state of Jammu and Kashmir have abolished life imprisonment for children, but the remaining Indian states have reintroduced the sentence.

<sup>62</sup> A/HRC/24/L.28, 23 September 2013, para. 22.

<sup>63</sup> A/RES/67/166, 20 March 2013, para. 18.

<sup>64</sup> Report of the Secretary-General on the question of the death penalty, A/HRC/27/23, 30 June 2014, para. 74.

<sup>65</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/28/68, 5 March 2015, para. 74.

<sup>66</sup> Note, there is a potential gap between law and practice in some States. In Cyprus, for example, all life sentences are formally without the possibility of parole, but the President in consultation with the Attorney-General has and use their power to order release of people serving life sentences and in practice this has become the routine release mechanism for people serving life sentences. For more information, see CRIN, Inhuman sentencing: Life imprisonment of children around the world, 2015.

<sup>67</sup> Children Act 2013, Article 33(1).

<sup>68</sup> Penal Code of the State of Eritrea, Article 103(a).

<sup>69</sup> Madagascar,<sup>70</sup> France<sup>71</sup> and the Indian state of Jammu and Kashmir<sup>72</sup> all abolished life imprisonment for children while reforming their juvenile justice laws. Yet all too often, even when States abolish these sentences, they leave in place other penalties that are still much too long and fall short of the standards set by the Violence Study. Nor has reform been wholly towards prohibition, as some States, notably states within India,<sup>73</sup> have reintroduced life imprisonment as a possible sentence for children.

<sup>70</sup> Loi No. 2016-018, Article 77.

<sup>71</sup> For relevant amendments, see Texte Adopté No. 824, Article 30.

<sup>72</sup> Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act 2013, Section 17(1).

<sup>73</sup> For full information, see CRIN, India: Inhuman sentencing of children, January 2016.

<sup>74</sup> Montgomery v. Louisiana [2016] WL 280758; Miller v. Alabama [2012] 132 S. Ct. 2455; Graham v. Florida [2010] 560 US.

<sup>75</sup> Bowen and Jones v. Belize [2010] Claim No. 214 of 2007.

<sup>76</sup> Mendoza et al v. Argentina [2013] Series C No. 260, Inter-American Court of Human Rights. Available at: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_260\\_index.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_260_index.pdf).

<sup>77</sup> For further discussion of the case law of the European Court of Human Rights on life imprisonment of children, see CRIN, Inhuman sentencing: Life imprisonment of children around the world, March 2015, p. 38.

<sup>78</sup> Figures provided by the Global Initiative to End All Corporal Punishment of Children, September 2016.

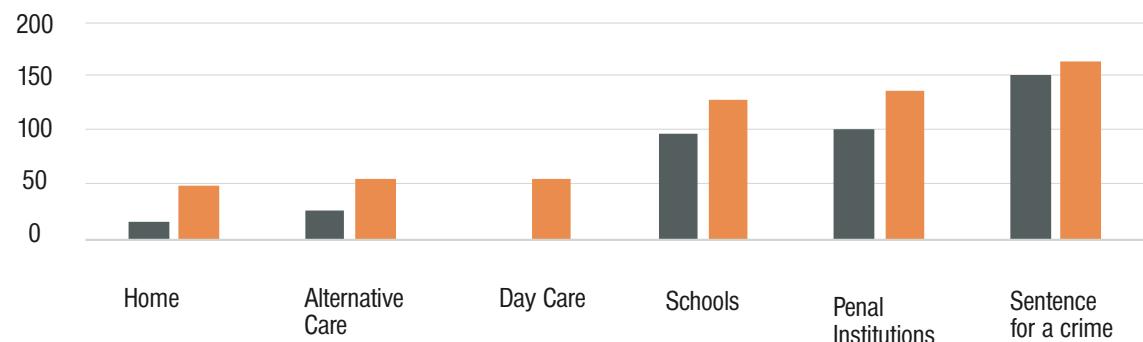
<sup>79</sup> Egypt, Eritrea, Guinea-Bissau, Somalia, Sudan (South Kordofan and Gedaref), Uganda.

## Physical Punishment

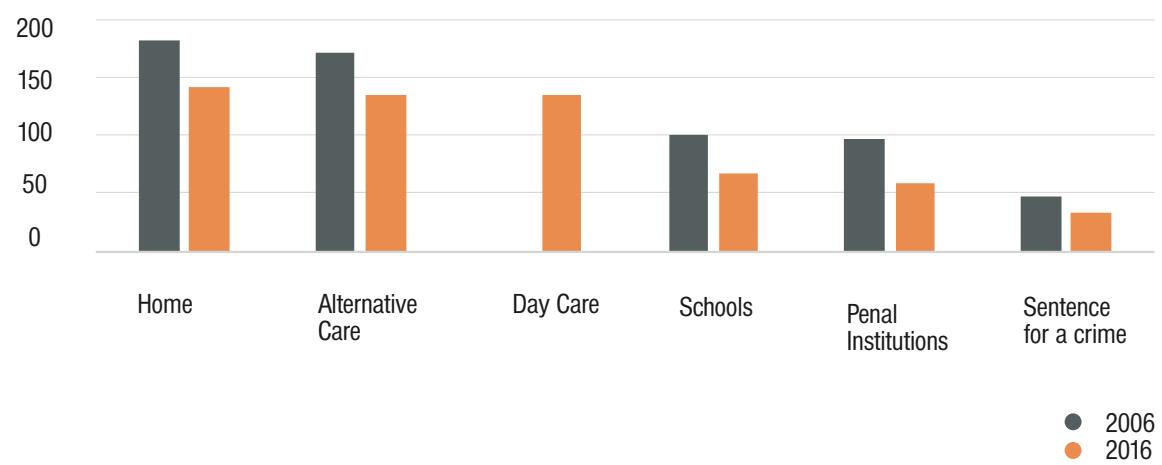
Settings in the continuing legality of so many forms of corporal punishment against children

**Source:** The Global Initiative to End All Corporal Punishment of Children, Childhoods free from corporal punishment, June 2016, p.8

### Corporal Punishment against children fully prohibited

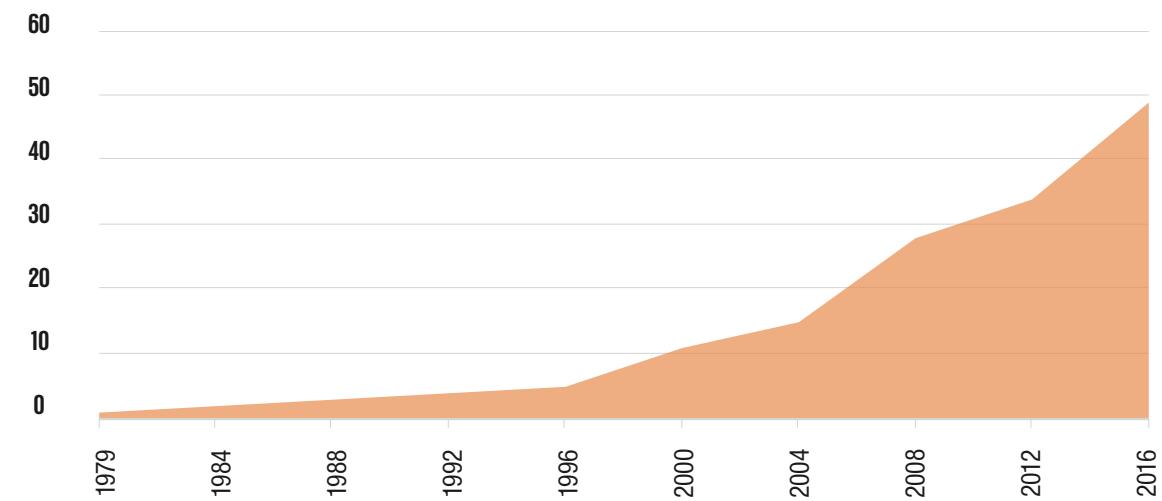


### Corporal Punishment against children not fully prohibited

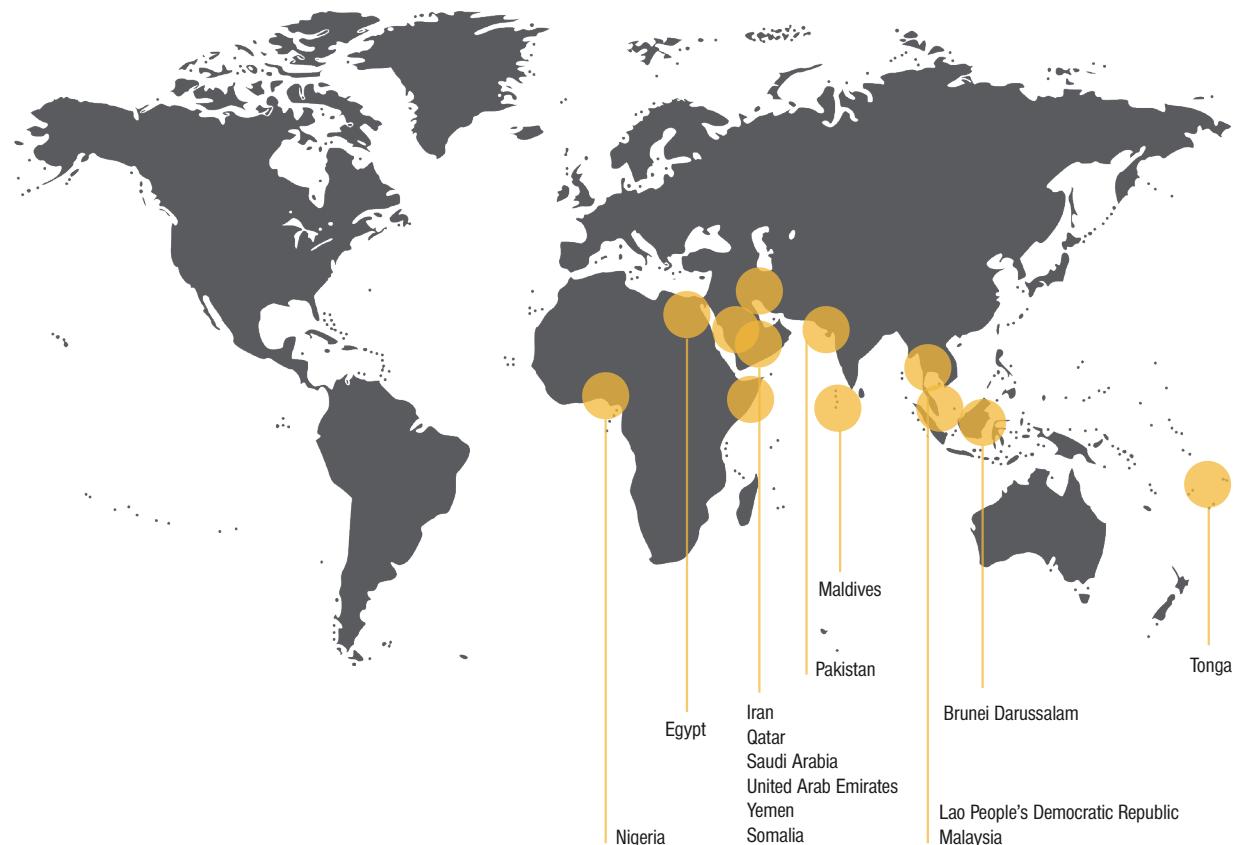


### Number of states with complete prohibition

**Source:** The Global Initiative to End All Corporal Punishment of Children, Childhoods free from corporal punishment, June 2016, p.5



## Death Penalty



practice, or certain forms of the practice, remains lawful in at least 22 States.<sup>80</sup>

Legal prohibition of the practice takes many forms. At the core of most national prohibitions is the creation of a criminal offence for carrying out genital cutting, potentially alongside penalties for accomplices or for those who fail to prevent the offence from taking place.<sup>81</sup> Many of the more recent laws banning FGM contain provisions on accomplice liability and liability for failure to prevent FGM being carried out. Eritrea banned FGM in 2007,<sup>82</sup> criminalising those who carry out the mutilation as well as those who request, incite or promote the practice. Anyone who knows of and fails to report to the authorities an imminent circumcision is liable to pay a fine of up to 1,000 nakfa (US\$ 63).<sup>83</sup> Uganda passed the Prohibition of Female Genital Mutilation Act in 2010,<sup>84</sup> making it a crime to aid or participate in the practice of FGM, with a maximum penalty of 10 years' imprisonment. Aggravated FGM, punishable by life imprisonment, includes cases which result in death or HIV/AIDS, and/or where the offender is a healthcare worker, a parent or a guardian.

Professional rules have also been used to try to prevent doctors from engaging in FGM. Genital cutting has been illegal in Guinea since 1965, though the practice remains

almost universal.<sup>85</sup> In 1996, a national code of medical ethics was amended to make it possible to subject doctors to professional disciplinary procedures for carrying out the practice on girls.<sup>86</sup>

Where criminal penalties are in place, many States have been slow to prosecute offenders. In March 2013, Egypt and the United Kingdom both announced their first prosecutions for FGM, five years and 28 years respectively after criminal legislation was enacted to ban the practice.<sup>87</sup> Burkina Faso, has seen some of the highest rates of prosecution among the countries that have criminalised the practices; between 1997 and 2005, there were 100 in the country for practitioners and accomplices.<sup>88</sup> In Kenya, conviction rates remain low despite a law criminalising those who aid, abet, counsel or procure FGM as well as those found in possession of tools connected to FGM or allow their premises to be used for performing the practice. In 2014, only 16 of the 71 cases brought to court resulted in a conviction.<sup>89</sup>

### Child marriage

Most countries have set a minimum age for marriage,

<sup>80</sup> For details of legislation in each country, see the Orchid Project Country profiles, available at: <https://orchidproject.org/country-profiles/>.

<sup>81</sup> For details of criminal laws in place across Africa, see Law Soc Rev. Author manuscript; available in PMC 2014 Apr 23. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3997264/table/T1/>.

<sup>82</sup> Proclamation 158/2007, a proclamation to abolish female circumcision. Available at: [http://www.chr.up.ac.za/undp/domestic/docs/legislation\\_11.pdf](http://www.chr.up.ac.za/undp/domestic/docs/legislation_11.pdf).

<sup>83</sup> Conversion rate as of September 2016.

<sup>84</sup> The Prohibition of Female Genital Mutilation Act 2010. Available at: <http://www.uli.org/ug/legislation/act/2010/5/Prohibition%20of%20female%20Genital%20Mutilation%20Act.pdf>.

<sup>85</sup> Figures published by UNICEF indicate that 97 percent of women and girls aged 15 to 49 have undergone FGM. See UNICEF, Female Genital Mutilation / Cutting: A global concern. Available at: [http://www.unicef.org/media/files/FGMC\\_2016\\_brochure\\_final\\_UNICEF\\_SPREAD.pdf](http://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf).

<sup>86</sup> A tool for Advancing Reproductive Rights Law Reform:

<sup>87</sup> See The Guardian, "Egypt launches first prosecution for female genital mutilation after girl dies", 14 March 2014, available at: <https://www.theguardian.com/society/2014/mar/14/egyptian-doctor-first-prosecution-fgm-female-genital-mutilation>; BBC, "FGM: UK's first female genital mutilation prosecutions announced", 21 March 2014, available at: <http://www.bbc.co.uk/news/uk-26681364>.

<sup>88</sup> UNICEF, Legislative Reform to Support the Abandonment of Female Genital Mutilation/Cutting, August 2010, p. 28

<sup>89</sup> The Guardian, Kenya couple deny murder in FGM case, 4 June 2014. Available at: <https://www.theguardian.com/society/2014/jun/04/kenya-couple-denied-murder-fgm-case>. Of the remaining cases, 33 were pending before the court as of the date the statistics were collected.

though exceptions where there is parental consent, judicial authorisation or priority of religious or customary law over national law remain common: 93 countries allow girls to marry before the age of 18 with parental consent. These laws commonly discriminate against girls, and in 53 countries, girls are “allowed” to marry one to three years before boys.<sup>90</sup> For example, the Democratic Republic of the Congo, South Africa and Niger all set the minimum age of marriage for girls at 15, while setting the age for boys at 18.<sup>91</sup>

Across the Middle East, it is common for the minimum age for marriage to be tied to puberty as well as requiring consent of a guardian or court. Qatar, for example stipulates puberty as a requirement for capacity for marriage and requires consent from a guardian and a court for a girl under 16 to get married.<sup>92</sup> Low ages for marriage can also vary depending on the religion or ethnicity of children in a country. Brunei Darussalam, for example, has varying minimum ages for marriage from 14 under customary law, 15 for ethnic Chinese girls and is not expressly defined for Muslims.<sup>93</sup>

Early or forced marriage can leave children at particular risk of coerced sexual intercourse and rape, which in a sizeable minority of States is not an offence within marriage. In 2006, rape within marriage could be prosecuted in at least 104 States. Of these, 32 made marital rape a specific offence and 74 simply did not exempt rape within marriage from the general rape provisions. In at least 53 countries, it was not possible to prosecute rape committed by a spouse.<sup>94</sup> By 2011, 54 countries have explicitly prohibited rape within marriage.<sup>95</sup>

#### *Killing in the name of “honour”*

Most States do not have separate laws on “honour” based violence: the legislature of India, where one-fifth of honour killings are reported to occur,<sup>96</sup> has repeatedly rejected proposals for comprehensive legislation distinguishing, defining and recognising the various aspects of honour crimes. Even where States have passed legislation addressing “honour” based violence problematic assumptions relating to race, culture and gender continue to permeate the laws. The Penal Code of Turkey defines intentional killing “with the motive of custom” as aggravated homicide.<sup>97</sup> While this provision could be seen as a rare example of a higher penalty for honour killings, use of the term ‘custom’ rather than honour inadequately addresses the gendered nature of the crime and may imply that the practice is only prevalent among minority

<sup>90</sup> Girls Not Brides, Child Marriage and the Law. Available at: <http://www.girlsnot-brides.org/child-marriage-law/>.

<sup>91</sup> Girls Not Brides, Child Marriage Around the World: Country profiles. Available at: <http://www.girlsnotbrides.org/child-marriage/democratic-republic-of-the-congo/>.

<sup>92</sup> Welchmann, Bahrain, Qatar, UAE: First time family law codifications in three Gulf States, 2010.

<sup>93</sup> Combined second and third periodic reports of Brunei Darussalam to the UN Committee on the Rights of the Child, CRC/C?BRN/2-3, 13 July 2015, para. 65.

<sup>94</sup> Study of the UN Secretary-General, Ending Violence Against Women: From words to action, 2006, p. 113. Available at: <http://www.un.org/womenwatch/daw/vaw/publications/English%20Study.pdf>.

<sup>95</sup> UN Women, Progress of the World’s Women: In pursuit of justice, 2011, Annex 4, p. 134. Available at: <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2011/progressoftheworldswomen-2011-en.pdf?v=1&d=20150402T222835>.

<sup>96</sup> Honour Based Violence Awareness Network, Statistics and Data.

<sup>97</sup> Penal Code, Article 82. Unofficial English translation available at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF%282016%29011-e>.

(Kurdish) communities.<sup>98</sup>

Prosecuting honour crimes is particularly difficult given its often subtle and hidden nature and the widespread attitudes supporting impunity. Legal loopholes, judicial error or inertia, and lenient sentencing mean that many offenders escape without punishment. Only in 2009 did the First Supreme Court of Turkey close the loophole which had meant that the offence of aggravated homicide with the motive of custom could only apply to killings involving formal ‘family assembly verdicts’. In Pakistan, where at least 1000 honour killings take place each year, the Islamic legal principles of *qisas* and *diyat*, allowed the families of victims to pardon people accused of their murder. In October 2016, Pakistan’s parliament enacted legislation to ensure compulsory sentences for those who commit “honour killings”, regardless of whether relatives forgive the offender.<sup>99</sup> Prior to the reforms, more than 90 percent of HBV cases are estimated to end in compromise as a result of the flawed and confusing legal framework.<sup>100</sup>

#### **Access to justice and customary law.**

A variety of legal mechanisms have been established to deal with the harmful effects on children of customary law in general and to challenge harmful traditional laws. The constitutions of South Africa, Malawi and Zambia, for example, all explicitly require that customary law is consistent with constitutional rights, and efforts to challenge the legality of customary practices in South African courts, though relatively uncommon, are usually successful.<sup>101</sup> Zambia’s constitution establishes a House of Chiefs to advise the government on areas of customary law and recommend areas that require codification,<sup>102</sup> while South African legislation establishes the National House of Traditional Leaders and imposes obligations on leaders to “adapt and transform” customary law to ensure it complies with constitutional rights.<sup>103</sup> Examples of more targeted legislation include Malawi’s Child Care Protection and Justice Act 2010, which explicitly prohibits all customary practices that harm children.<sup>104</sup>

#### *Sexual violence and exploitation*

There is no comprehensive global information on laws protecting children from sexual violence and exploitation, but regional studies have provided overviews of the ways that national legal systems prohibit or enable specific forms of sexual exploitation of children. It is clear, though, that gaps persist in the laws protecting children from sexual exploitation in many forms. Across Africa, for example, 42 countries have legislation specifically addressing

<sup>98</sup> Pervizat, Tackling Honour in the Aftermath with a Good Practice, produced for the United Nations Division for the Advancement of Women Expert Group Meeting on good practices in legislation to address harmful practices against women, 11 May 2009, p. 7. Available at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF%282016%29011-e>.

<sup>99</sup> Criminal Law (Amendment) (Offences in the Name of Honour) Act 2016. Available at: [http://www.na.gov.pk/uploads/documents/1475762285\\_283.pdf](http://www.na.gov.pk/uploads/documents/1475762285_283.pdf).

<sup>100</sup> Jamal, The Dishonour of Compromise, 28 February 2016. Available at: <https://www.thenews.com.pk/print/101537-The-dishonour-of-compromise>.

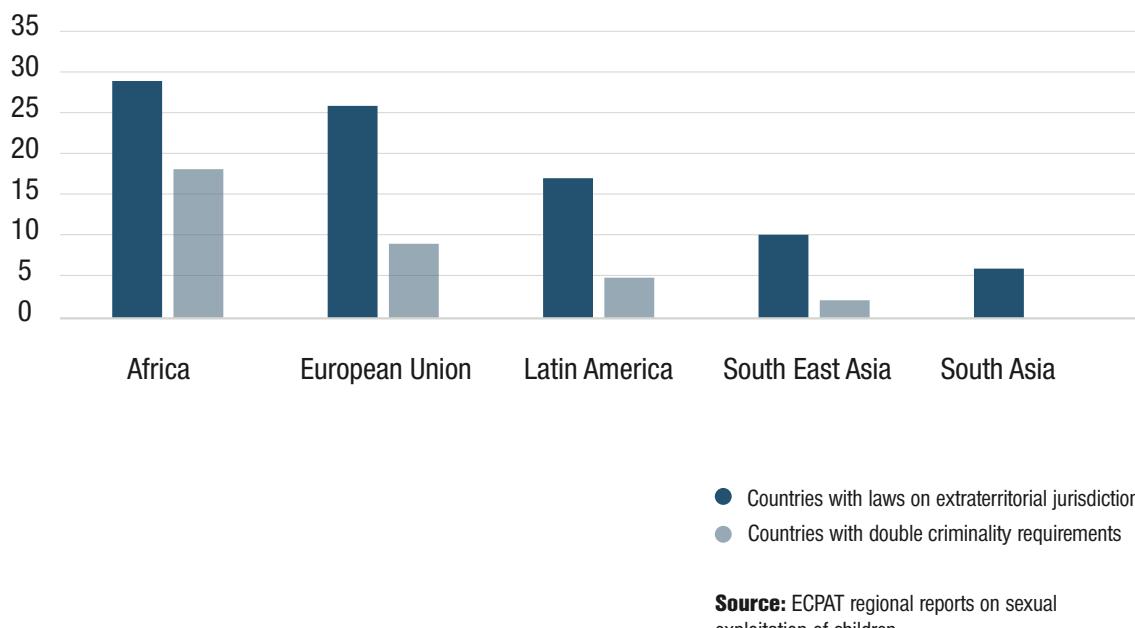
<sup>101</sup> See Mubangizi, Legislating and litigating against harmful cultural practices that violate sexual and reproductive rights of women in South Africa. Available at: <http://www.jus.uio.no/english/research/news-and-events/events/conferences/2014/wcl-cmde/wcl/papers/w7/w7-mubangizi.pdf>.

<sup>102</sup> Constitution of Zambia, Article 169(5). Available at: [http://www.parliament.gov.zm/sites/default/files/documents/amendment\\_act/Constitution%20of%20Zambia%20%20%28Amendment%29,%202016-Act%20No.%202\\_0.pdf](http://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20%28Amendment%29,%202016-Act%20No.%202_0.pdf).

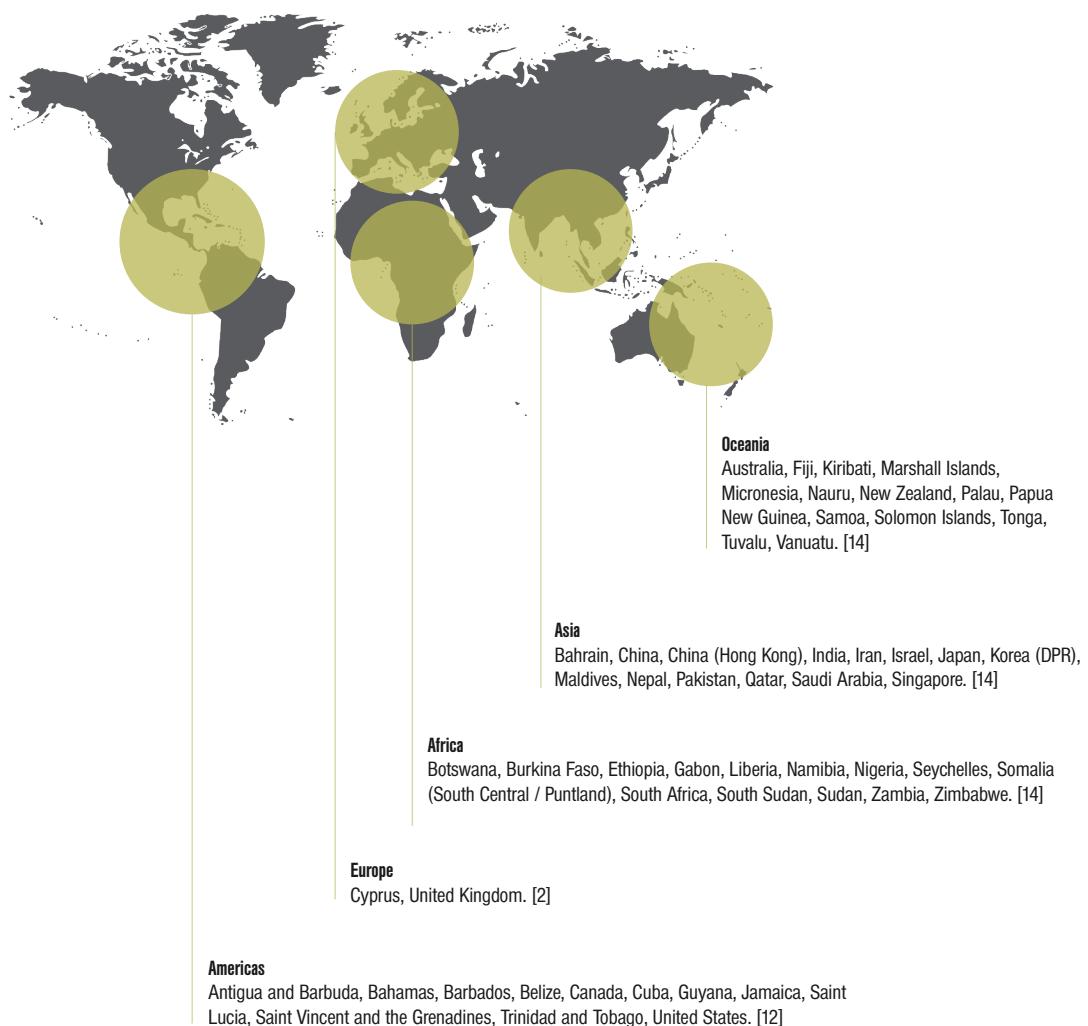
<sup>103</sup> National House of Traditional Leaders Act 2009, Section 11(1)(a)(viii).

<sup>104</sup> Child Care Protection and Justice Act 2010, Section 80.

## Sexual Exploitation



## Life imprisonment with the possibility of parole (56):



## DHMP (or equivalent) countries (28):



## Other indefinite detention

**Africa:** Gambia, Mauritius

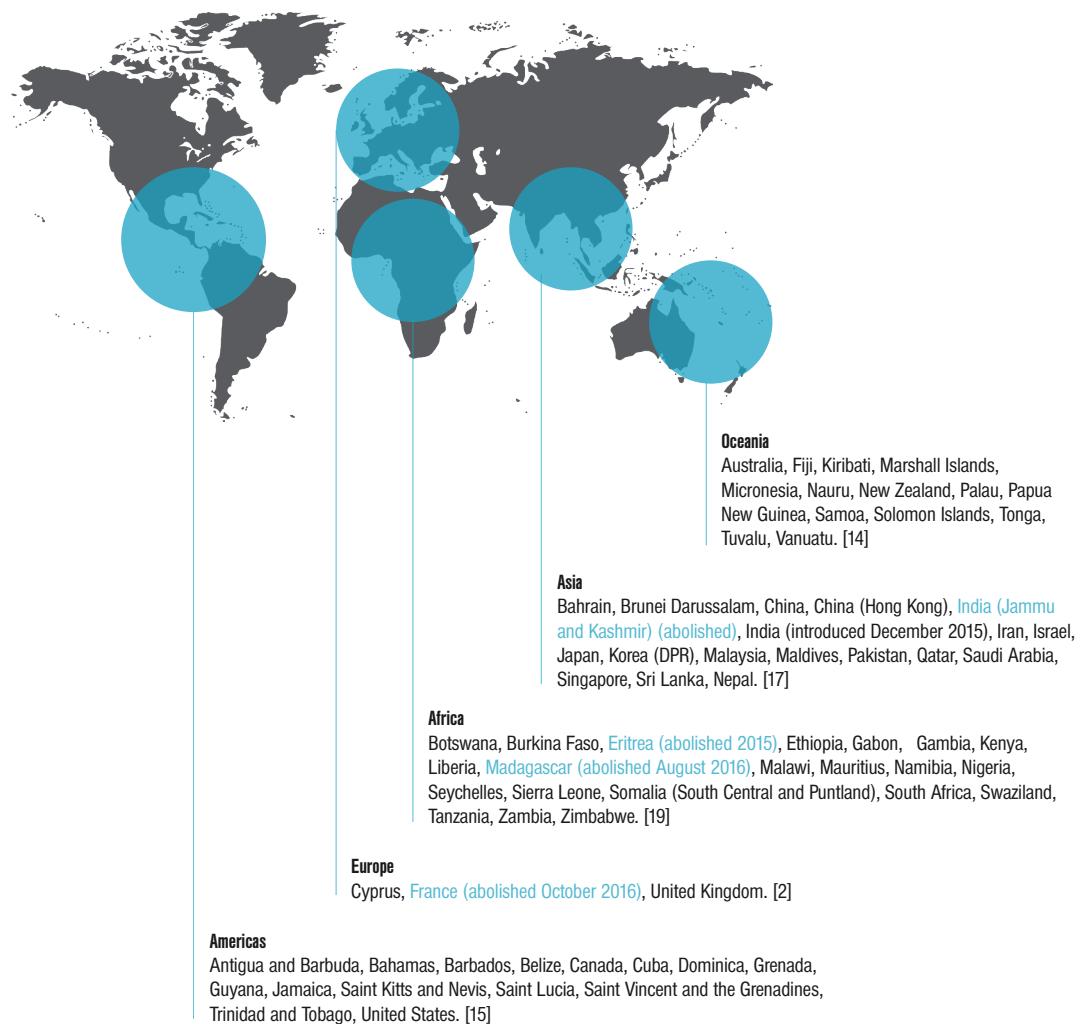
prostitution of children, but almost none of these countries explicitly exempts children from punishment for offences related to this exploitation.<sup>105</sup> In Myanmar, the offences of sexual intercourse with a child and child prostitution apply exclusively to girls, while in Kiribati and Solomon Islands, offences related to the prostitution of children only protect children younger than 15.<sup>106</sup>

Great strides have been made to prosecute offences committed internationally. Extra-territorial jurisdiction allowing the prosecution of people who commit sexual offences against children in their home country as well as the country where the offence took place are becoming more common and in some regions are almost universal. According to ECPAT, almost every country in the European

<sup>105</sup> ECPAT, The Commercial Sexual Exploitation of Children in Africa: Developments, progress, challenges and recommended strategies, November 2014, p. 50. Available at: [http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview\\_Africa.pdf](http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview_Africa.pdf).

<sup>106</sup> ECPAT, National child protection systems in the East Asia and Pacific Region: A review and analysis of mappings and assessments, 2014, p. 19. Available at: [http://www.ecpat.org/wp-content/uploads/2016/04/Child%20protection%20System\\_full\\_2014June11\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/2016/04/Child%20protection%20System_full_2014June11_FINAL.pdf).

## Life imprisonment (in some form) countries (67):



Union, Latin America and the members of the Association of South East Asian Nations allow extraterritorial jurisdiction for offences relating to the sexual exploitation of children.<sup>107</sup> Other regions, however, lag behind. Around half of the countries of Africa allow extraterritorial prosecution for sexual offences involving children.

Despite this progress, the principle of double criminality - whereby a criminal offence must be illegal in the country it takes place and the country where the prosecution takes place - remains a barrier to prosecuting sexual exploitation. This standard can enable people who abuse children to travel to countries with inadequate laws to protect children with the intention of abusing children and not be prosecuted when they return.

<sup>107</sup> See ECPAT, The Commercial Sexual Exploitation of Children in South Asia: Developments, progress challenges and recommended strategies for civil society, November 2014. Exceptions include, Czech Republic, Dominican Republic, Guyana and Uruguay.

# Looking back and forward – 10 years of progress and challenges ahead

*Cornelius Williams, Associate Director Child Protection, Programme Division, United Nations Children's Agency*

**Ten years ago, the first ever effort was made – through the United Nations Secretary-General's Study on Violence against Children – to record the reality of violence against children and to document action around the globe to end it. The 10 years since the Study's release have seen a more than two fold increase in the number of states prohibiting all corporal punishment of children;<sup>1</sup> and an elevation of violence against children to a global policy issue. Yet despite such gains, every day, in every country, children suffer violence. Indeed, almost one billion – or six in 10 – children are subjected to physical punishment by their caregivers on a regular basis.<sup>2</sup>**

The tenth anniversary of the Secretary-General's Study comes at a timely juncture for the child protection sector, in particular in terms of addressing violence against children. The adoption of the Sustainable Development Goals (SDGs) in September 2015 represented a clear articulation by the global community that development efforts must contemplate the impact of violence on societies. The SDGs recognize that protecting children from violence is key and underpins multiple goals – from education, to gender equality, to economic development and fair employment to the specific target of 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children. Global and regional commitments to address violence against children are at an all time high. Yet with the opportune promotion of violence against children to a global policy issue, comes a sharper focus on child protection and with it, a greater global accountability.

The last ten years have seen considerable progress made to tackle violence against children at large. In response to a particularly substantial finding in the Secretary-General's Study, there has been a concerted effort to invest in both data collection and to build the evidence for what works to address violence – and this is being accomplished with multiple partners at the national and global level. UNICEF is working with other UN agencies and research groups and global leaders, including the United Nations' Special Representative of the Secretary-General on Violence against Children (SRSG-VAC), Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC); and Special Representative of the Secretary-General on Sexual Violence in Conflict – to advocate for the same, evidence based approaches. Increased institutional capacity to develop and implement interventions, including system strengthening to prevent

and respond to violence against children, has been achieved through the advent of Global Programmes for child marriage and female genital mutilation/cutting, the Inter Agency Standing Committee on CAAC; and the continuous development of standards on violence against children by multitudes of active working groups.

Even in the past ten years in terms of programmes to address violence against children, we have seen a marked improvement in the availability of data (especially national prevalence data). This has enabled a greater grip on the problem and therefore, an improved ability to respond and track progress. We have moved from small-scale, piece-meal approaches to address violence to programmes that use a more holistic, systemic approach. This shift has translated to a strengthened sectoral response (health, justice, education, finance and social welfare) and to a heightened ability to address the social norms and societal attitudes that sustain violence against children.

The strong headway over the past decade to end all forms of violence against children is encouraging. However, such progress must be inclusive of accelerated efforts to end inter-personal violence. It is deplorable that around three in 10 adults worldwide believe that physical punishment is necessary to properly raise or educate children.<sup>3</sup> With this in mind, UNICEF is working hard to tackle inter-personal violence, through better data collection; and strengthened partnership and advocacy.

A recent evaluation of UNICEF programmes to address violence against children found progress and challenges. The evaluation has helped to formulate a roadmap to strengthen support for governments and partners – both on building systems and challenging harmful norms. UNICEF has augmented work to strengthen systems and especially improve the collection of administrative data, which is key to both tracking progress and monitoring the impact of violence prevention and response efforts.

UNICEF recognizes that successful programme and service delivery depends on collaboration between multiple sectors and stakeholders – public, private and civil society – at local and national levels. Most recently, UNICEF joined with WHO and other leading partners to launch a common technical package entitled: 'INSPIRE: Seven Strategies for Ending Violence Against Children'.<sup>4</sup> This package reviews the global evidence about effective or at least promising strategies for preventing and responding to violence against children and provides a global package of key interventions to advance the common agenda. Further, UNICEF is working closely with the Global Partnership to End Violence Against Children.<sup>5</sup> As a founding member of the Global Partnership, UNICEF has an opportunity and a responsibility to consider how best to contribute, building on the initial phase of the joint initiative which focused on

addressing online exploitation of children in 17 countries and six regions.

Finally, over the last three years, UNICEF has engaged in a multi-phased initiative to End Violence Against Children. Building on earlier launches, the December 2016 third phase launch of the #ENDviolence against children initiative aims ‘to make violence against children everybody’s business’, by showcasing the settings where children should feel most secure and safe – the home, the school and the community – and empowering the public to take action.

As we lament the harm experienced by too many children around the world, but also celebrate the progress achieved since 2006, we should be heartened that in 10 years, the universal challenge of violence against children now stands as a global policy issue. We must commit to intensify our efforts to make the Convention on the Rights of the Child a reality in the lives of all children, especially the most marginalized. Ten years from now, as we approach the deadline for the SDGs, we should stand stronger and even better placed to answer the challenge laid before us with the Secretary-General’s Study in 2006.

*“It is deplorable that around 3 in 10 adults worldwide believe that physical punishment is necessary to properly raise or educate children.”*

1 As at October 2016, 50 states have achieved prohibition of corporal punishment in all settings, including the home; pre-2016, 16 states had achieved prohibition of corporal punishment in all settings, including the home. Global Initiative to End All Corporal Punishment of Children: <http://www.endcorporalpunishment.org/progress/countdown.html>

2 Aged between 2–14 years old. United Nations Children’s Fund, Hidden in Plain Sight: A statistical analysis of violence against children, UNICEF, New York, 2014, available at: [http://www.unicef.org/publications/index\\_74865.html](http://www.unicef.org/publications/index_74865.html)

3 United Nations Children’s Fund, Hidden in Plain Sight: A statistical analysis of violence against children, UNICEF, New York, 2014, available at: [http://www.unicef.org/publications/index\\_74865.html](http://www.unicef.org/publications/index_74865.html)

4 UN World Health Organization (WHO), INSPIRE: Seven Strategies for Ending Violence Against Children, July 2016, available at: [http://www.who.int/violence\\_injury\\_prevention/violence/inspire/en/The%20seven%20strategies%3A%20Implementation%20and%20enforcement%20of%20laws,%20Norms%20and%20values,%20Safe%20environments,%20Parent%20and%20caregiver%20support,%20Income%20and%20economic%20strengthening,%20Response%20and%20support%20services;%20and%20Education%20and%20life%20skills](http://www.who.int/violence_injury_prevention/violence/inspire/en/The%20seven%20strategies%3A%20Implementation%20and%20enforcement%20of%20laws,%20Norms%20and%20values,%20Safe%20environments,%20Parent%20and%20caregiver%20support,%20Income%20and%20economic%20strengthening,%20Response%20and%20support%20services;%20and%20Education%20and%20life%20skills).

5 See: <http://www.end-violence.org/>  
Draft submission for the International NGO Council on Violence against Children report - Cornelius Williams, Associate Director of Child Protection, UNICEF



# Global gaps in protection from torture: next steps

By Juan E. Méndez, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

## **Torture and Other Ill-Treatment of Children Deprived of Liberty: The Legal Framework**

Violence against children remains prevalent in many forms around the world, and much of this violence amounts to torture or other cruel, inhuman or degrading treatment or punishment (other ill-treatment), particularly when children are deprived of liberty. In order to meet target 16.2 of the Sustainable Development Goals (SDG), which aims to “end abuse, exploitation, trafficking and all forms of violence against and torture of children” by 2030, it is imperative for States to address the deprivation of liberty of children, a phenomenon that is on the rise in many jurisdictions. The adoption of a broad definition of places of detention for children, as any kind of establishment, whether penal, correctional, educational, protective, social, therapeutic, medical, administrative – public or private – from which a child is not allowed to leave at will,<sup>1</sup> is an essential first step for States in tackling the overuse and misuse of deprivation of liberty of children.

As I emphasized in my 2015 thematic report on children deprived of liberty,<sup>2</sup> children in detention are at a heightened risk of experiencing violence and abuse, and significantly more vulnerable than adults to being subjected to torture and other ill-treatment, due to their unique physiological and psychological needs. In view of their unique vulnerabilities, the detention of children, whether within criminal or juvenile justice systems, administrative immigration detention, or in institutions, is inextricably linked – in fact if not in law – with the ill-treatment of children. States therefore have a heightened due diligence obligation to take additional measures to ensure children’s human rights to life, health, dignity, and physical and mental integrity. There is also need for an additional focus on the physical and mental effects on the age of the victim in determining the seriousness of acts that may constitute torture and ill-treatment when applied to them, beyond what international law affords adults. Accordingly, depriving children of their liberty must be a measure of last resort, should be used for the shortest possible period of time, only if it is in the best interests of the child, and limited to exceptional cases. The best interests of the child must always be the foremost consideration in any decision to initiate or continue the deprivation of liberty of a child and, significantly, must never be defined in accordance with the convenience of the State.

## **Global Gaps in Protection: Children in Conflict with the Law, Migrant Children, and Children in Institutions**

Detention often occurs in squalid conditions, without adequate oversight or proper regulation, and has devastating effects on children’s psychological and physical development. Even very short periods of deprivation of liberty can undermine a child’s psychological and physical well-being and compromise his or her cognitive development. Medical literature establishes that children experience pain and suffering differently than adults, and that the long-term damaging effects of mistreatment tend to cause even greater or irreversible damage in children than adults. Children’s unique vulnerability therefore requires higher standards and broader safeguards to protect them from being subjected to torture or other ill-treatment in detention, or from experiencing developmentally harmful and torturous conditions of confinement.

Many practices imposed on children in conflict with the law around the world today run afoul of the prohibition of torture and other ill-treatment, despite the international legal framework in place. Life sentences without parole, life imprisonment, and lengthy sentences – such as consecutive sentencing – are grossly disproportionate and therefore cruel, inhuman or degrading. Meeting Target 16.2 will require that States ensure that children in conflict with the law are tried, charged, and sentenced only within juvenile justice systems and afforded adequate forms of protection. Children must never be treated as adults or subjected to adult sentences that are inherently cruel, inhuman or degrading because they fail to consider any of the special measures of protection or safeguards that international law requires for children. On the other hand, juvenile justice systems must still afford defendants the full quantum of due process required by international standards of fair trial. Their sentencing must unfailingly reflect the principles of rehabilitation and reintegration – a measure that will ultimately benefit communities and society at large. The imposition of solitary confinement, the death penalty, or any sort of corporal punishment on children, while strictly prohibited, are woefully common occurrences. In many jurisdictions the majority of children deprived of their liberty are held in pretrial detention, often for minor offenses, for prolonged periods, and in unsuitable premises. States must, as a matter of urgency, cease such practices and adopt child-friendly administrative and criminal court procedures and train law enforcement and other officials who encounter children deprived of their liberty in child protection principles, and provide them with a better understanding of children’s specific vulnerabilities to human rights violations and particularly to torture and

other forms of ill-treatment.

States also frequently, and increasingly, detain children who are refugees, asylum-seekers, or irregular migrants. The context of the current migration crisis has made clear that immigration detention practices by States around the world, whether de jure or de facto, subject and put children at risk of cruel, inhuman or degrading treatment or punishment, and even torture. As I concluded in my report, the deprivation of liberty of children based on their or their parents' migration status is never in the best interest of the child, exceeds the requirement of necessity, becomes grossly disproportionate, and constitutes cruel, inhuman or degrading treatment of migrant children. This is because such a measure is not absolutely essential to ensure the appearance of children at immigration proceedings or to implement an eventual deportation order, and accordingly, can never be understood as one that complies with the child's best interests. In order to truly tackle violence against refugee and migrant children and make real progress towards achieving Target 16.2, States must expeditiously and completely cease the detention of children, with or without their parents, on the basis of their immigration status, and immediately put in place alternative measures to detention that promote the care and well-being of the child.

As stated in my report, ill-treatment occurs in a diverse range of settings, even where the purpose or intention of a State's action or inaction may not be to degrade, humiliate or punish a child – but where this nevertheless is the result. Accordingly, States' obligation to prevent torture applies not only to public officials, such as law enforcement agents, but also to private actors, such as healthcare and social workers operating in private settings. Abuses suffered by children in health or social care institutions are often the result of acts of omission rather than commission, such as emotional disengagement or unsafe and unsanitary living conditions, and the result of deficient policies, rather than from an intention to inflict pain and suffering. In this context, it is essential to note that purely negligent conduct constitutes ill-treatment when it leads to pain and suffering of some severity, and when the State is, or should be, aware of the pain and suffering being inflicted. This includes cases where children are not provided appropriate treatment, and where the State failed to take all reasonable steps to protect children's physical and mental integrity. Unless States take positive measures to address human rights abuses suffered by many children under the guise of care or treatment and by private actors, they will not only lag behind in achieving Target 16.2, but will also continue to fail to comply with their fundamental human rights obligations under international law.

## Moving Forward: Protecting Children Deprived of Liberty from Torture and Other Ill-Treatment

Evidence shows that depriving children of their liberty is costly, ineffective, and, more often than not, results in serious violations of their human rights, often amounting to torture and other ill-treatment. Although it is estimated that more than one million children are incarcerated worldwide, and the number of children held in immigration detention is increasing rapidly, the precise number of children deprived of liberty around the world nevertheless remains unknown. This lack of data highlights the fundamental need for carrying out the contemplated Global Study on Children Deprived of Liberty, to be carried out in accordance with the 2014 UN General Assembly Resolution (A/69/157). The Study will contribute to the goal of collecting sound disaggregated quantitative and qualitative data on children deprived of liberty to accurately define the scope of the problem, and put forth adequate information on alternatives to detention, which will not only benefit children, but societies at large.

Aside from taking urgent measures to reform their policies, laws, and practices in compliance with the international legal frameworks for the protection of children and on the prohibition against torture and other ill-treatment, it is also essential for States immediately to begin conducting regular and independent monitoring of places where children are deprived of their liberty. Monitoring – a key factor in preventing mistreatment – must be conducted by independent bodies with authority to receive and act on complaints, and to assess whether establishments are operating in accordance with the requirements of national and international standards. Independent monitoring mechanisms must draw on professional knowledge in a number of fields, including social work, children's rights, child psychology and psychiatry, in order to address the multiple vulnerabilities of children deprived of their liberty and to understand the specific normative framework and overall system of child protection.

1 See, e.g., Defence for Children International (DCI) – Belgium European Practical Guide dedicated to the monitoring of places of deprivation of liberty for children (2016), available at: <http://www.defenceforchildren.org/wp-content/uploads/2016/02/DCI-Practical-GuideEN.pdf>.

2 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez (A/HRC/28/68), available at: [http://antitorture.org/wp-content/uploads/2015/03/Children\\_Report.pdf](http://antitorture.org/wp-content/uploads/2015/03/Children_Report.pdf).

## THE VOICES OF CHILDREN

**The creation of child-friendly systems to report violence – the eighth recommendation of the Violence Study – is vital to combat violence against children.**

Child helplines can fulfil this role by providing a safe, confidential and accessible channel for children to seek advice and tell their stories. The ways that children use these helplines can also give us an added insight into the violence that children experience. Child Helplines International gathers anonymous data on issues affecting children through annual questionnaires distributed to child helplines in its network and in the years since the Violence Study was published, has experienced a five percent annual increase in the number of contacts received from children.<sup>108</sup> The use of child helplines across the world and among certain age groups is uneven - helplines are at their most prevalent in Europe and are most used by teenagers - but they nonetheless can give us a glimpse into the violence these children face and the ways that they try to seek help.

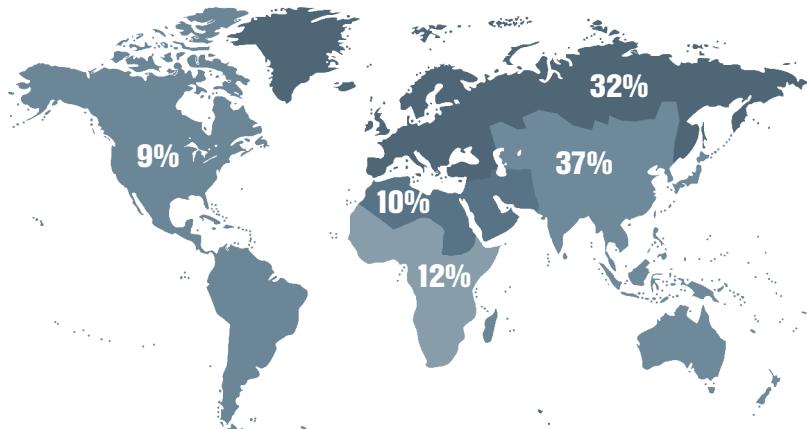
These figures collected since the publication of the Violence Study show an upward trend in the number of children contacting helplines in relation to violence, to the extent that “abuse and violence” have become the most common reason that children contact a helpline.

Bullying has consistently formed a significant share of the total contacts reporting abuse and violence, but recent trends suggest that the forms of and motivations for bullying have been shifting. For example, the number of contacts for issues relating to racism increased by 28 percent between 2003 and 2012 - mostly in Africa (54 percent of contacts on racism) but significantly in Asia-Pacific (23 percent) and Europe (19 percent) as well, where recent economic crises have fuelled social discord and division. More recent years have seen the rise of cyberbullying as a distinct form of violence, which is at risk of becoming established norm of childhood experience.

36 108 Child Helplines International, The Voices of Children and Young People: Giving a voice to children and young people worldwide 2003-2013, p. 2.

## Global Highlights 2014

In 2014, child helplines around the world answered over **14 million contacts**. Of these contacts, children and young people in **Asia-Pacific and Europe** represented more than two-thirds of the total.



**56%** > **44%**  
girls                      boys

**Girls** were more likely  
to contact child helplines  
than boys.



Telephone **13,860,921**



Chat **313,036**

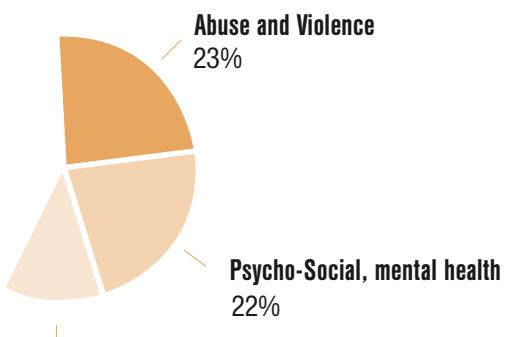


SMS **258,834**



Girls and boys between **13**  
**and 17** made more than  
one-half of contacts.

Top 3 reasons for contact:



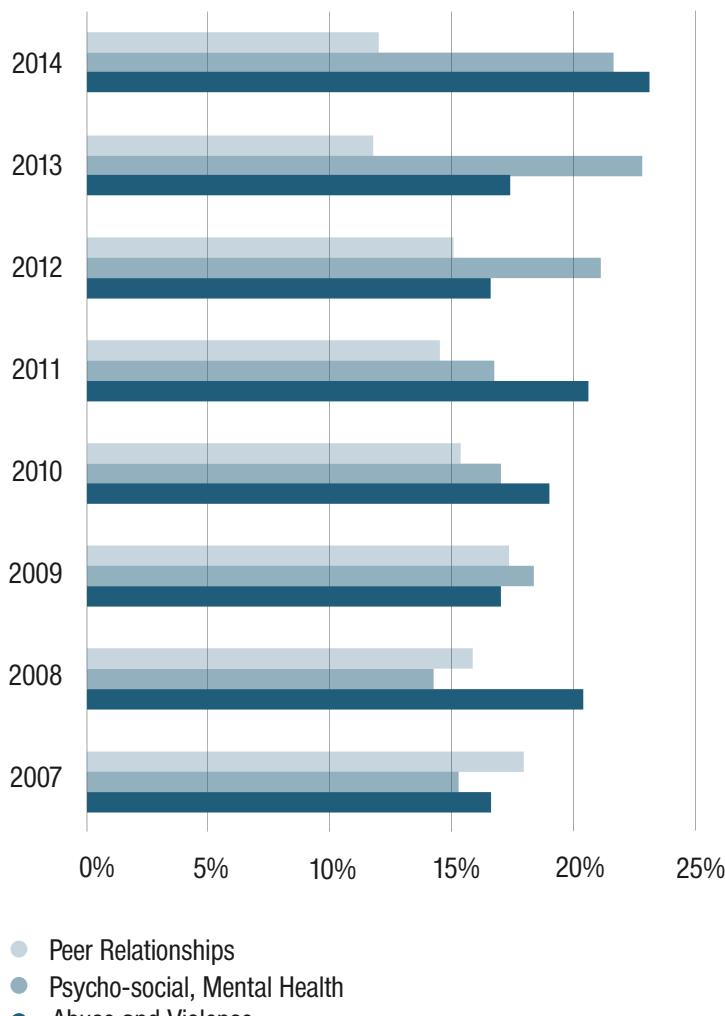
- Bullying **26%**
- Ciberbullying **4%**
- Emotional Abuse **10%**
- Neglect **11%**
- Other Forms of Abuse **10%**
- Physical Abuse **25%**
- Sexual Abuse **14%**

Other Forms of Abuse and Violence include contacts on:

Corporal Punishment (**14%**), Domestic Violence (**33%**), Exposure to Online Child pornography (**0%**), Gang Violence (**1%**), Online Extortion or Blackmail (**0%**), Victim of Online Child Pornography (**0%**), Victim of Online Sexual Exploitation (**3%**), Witness to Violence (**11%**) and other unspecified forms (**38%**). Girls contacted child helplines for support on violence and abuse more frequently than boys, except for cases of neglect.

## Global Highlights 2007-2014

Of all known reasons for contacts over the period 2007- 2014, **Abuse and Violence, Psycho-social, mental health** and **Peer Relationships** remained the **top three** although their share of the total number of contacts varied from year to year:



**56% > 44%**  
girls                      boys

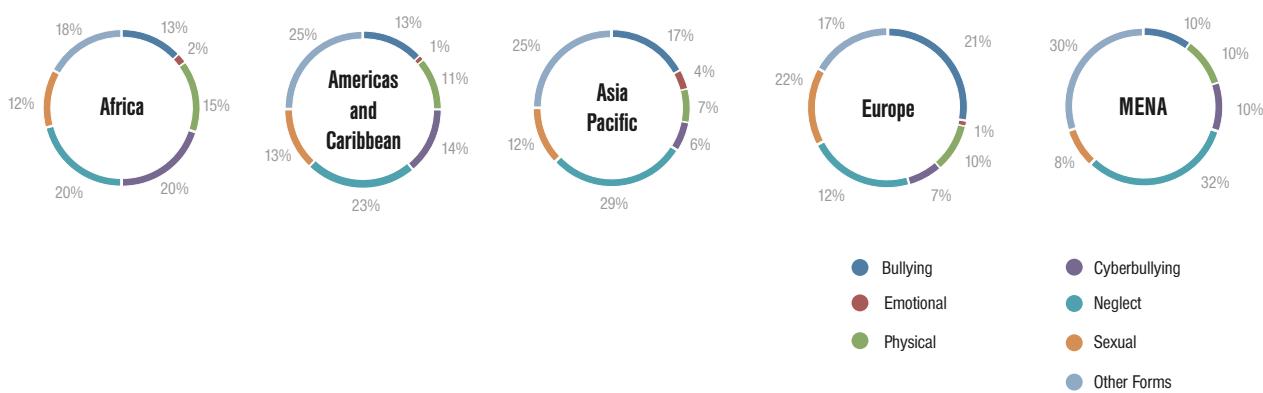
Between 2007 and 2014, girls (56%) sought support more frequently than boys (44%).



**One-third** of all contacts were made by young people aged 13-17.

**Telephone, outreach activities and post and bulletin board** were among the top three methods used to reach out to children and young people between 2007 and 2014.

**Abuse and violence Spotlight** Between 2007 and 2014 each region registered different shares of contacts for each form of abuse and violence:



# The Sustainable Development Goals and Children and Armed Conflict

Leila Zerrougui, Special Representative of the Secretary-General for Children and Armed Conflict

**When the new development agenda was adopted in September 2015, Member States pledged to leave no one behind and to endeavour to reach the furthest behind. The Sustainable Development Goals (SDGs) aim to transform a world confronted by challenges on a scale we have not experienced in decades. Emerging and protracted conflicts in the Middle East, Africa and elsewhere are disrupting the lives of millions of children, and continue to fuel the largest movement of populations the world has experienced since the Second World War.**

Despite widespread collaborative efforts and notable progress to protect children, they are still the most affected by war. In countries such as South Sudan, Syria, Yemen and many more, tens of thousands of children are killed, maimed, recruited and used as child soldiers, abducted and victims of sexual violence. Schools and hospitals are under attack, and boys and girls have little or no access to basic life-saving humanitarian assistance. While there has been some progress at national and international level, impunity for the crimes committed against children is prevalent.

The SDGs recognise that children, who represent the majority of the population in many countries affected by conflict, are the key to building peaceful and strong societies and their needs are well integrated in the development agenda. This includes ensuring quality education and health services, ending the recruitment and use of child soldiers, and stopping all forms of violence against children. Human rights, peace, justice and strong institutions are also at the heart of the SDGs. As an international community, we must find ways to ensure that we adhere to these goals and make quantifiable progress.

In the past twenty years, the protection of children affected by armed conflict has been firmly placed on the agenda of the United Nations highest bodies. The momentum created by the reports of Graça Machel on the impact of armed conflict on children, in 1996, and the World Report on Violence Against Children by Paulo Sérgio Pinheiro, in 2006, were key catalysts for this progress.

Resolutions have been adopted and tools developed to create a strong framework to address grave violations against children. The Security Council asked the United Nations to ensure strong monitoring and reporting of grave violations committed against children. The monitoring and reporting mechanism, created through resolution 1612, will help us judge how the SDGs are making a tangible difference to children affected by armed conflict. We must

continue to strengthen this tool to ensure that we have a full picture of the impact of conflict on children. A broad spectrum of non-governmental organisations can play an important role in monitoring and reporting violations against children. It is so often those on the ground who have the most reach and are the first to encounter grave violations against children and I encourage those organisations to further contribute to the monitoring and reporting mechanism in order to allow us to assess progress of the SDGs.

The Security Council has also issued a strong call for action with its requests to the Secretary-General to list parties to conflict that violate child rights (including for recruitment and use, killing and maiming, sexual violence, attacks on schools and hospitals and abduction) and to engage in dialogue with the Governments and non-State armed groups listed to develop Action Plans to end violations. Action Plans include tangible activities to end and prevent violations against children, to strengthen the legal framework for child protection and foster accountability. Increased access for monitoring and verification is a prerequisite for any action plan, which will in turn assist in considering the progress of the new development agenda.

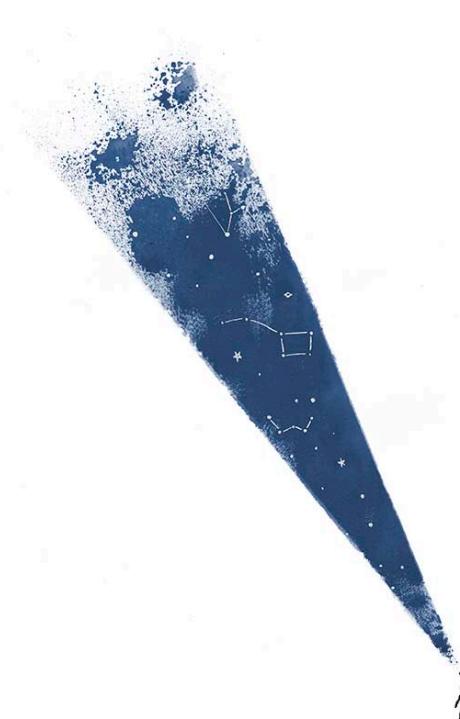
Garnering political will to develop action plans with parties to conflict will be essential if we are to reach the goals of the SDGs. My Office launched the campaign 'Children, Not Soldiers' with UNICEF in 2014 to unite Member States in their wish to turn the page on the recruitment and use of children in conflict. The United Nations is currently engaged in an action plan process with all Member States listed for the recruitment and use of children in their national security forces. This campaign is using political momentum to support the implementation of SDG 8.7 and there has been a significant reduction in verified cases of recruitment and use of children by national security forces, especially in Afghanistan, the Democratic Republic of the Congo, and Myanmar. The campaign demonstrates that working with a specific group of actors in situations of armed conflict can be a starting point for more widespread progress.

The political will developed with Member States and the establishment of action plans have in turn helped to address violations by non-State armed groups. Engagement with non-State armed groups on issues related to SDG implementation continues to grow and is supported by the legal, support service and monitoring response that has been put in place through Member State engagement. The United Nations currently has dialogue with listed parties in the Central African Republic, Colombia, Mali, Myanmar, the Philippines, Sudan and South Sudan. In 2015, this engagement led to the release of over 8,000 children.

The tools developed through the children and armed conflict mandate have and will continue to contribute to meaningful monitoring of goals that form part of the SDGs. Reports on children and armed conflict are annually submitted to the Security Council, General Assembly and Human Rights Council annual. The information contained in these reports will be used to contribute to the effective monitoring of the implementation of the SDGs. We must all work together to ensure there is a gradual decline in the number of grave violations reflected in these reports, as this will give us a clear indication of progress in implementing the SDGs for children affected by armed conflict. I will also continue to use opportunities to remind political bodies of the importance of attaining the SDGs, as political will to end and prevent conflict is the key way to make a difference to the lives of children in war zones.

The SDGs are poised to make a real difference in the lives of millions of children affected by armed conflict. It is now our collective duty to join forces to ensure that boys and girls from Afghanistan to South Sudan to Colombia will grow up to live and contribute to the potential for meaningful change brought about by the new development agenda.

*“It is so often those on the ground who have the most reach and are the first to encounter grave violations against children and I encourage those organisations to further contribute to the monitoring and reporting mechanism...”*



# How to promote data collection to end violence

By Claudia Cappa, UNICEF Statistics Division

**The protection of children from all forms of violence is a fundamental right guaranteed by the Convention on the Rights of the Child and other international human rights treaties and standards. Yet violence remains an all-too-real part of life for children around the globe – regardless of their economic and social circumstances, culture, religion or ethnicity – with both immediate and long-term consequences. Recent estimates by UNICEF indicated that around six in 10 children between the ages of two and 14 worldwide are subjected to physical punishment by their caregivers on a regular basis.<sup>1</sup> In addition, it has been estimated that every 10 minutes, somewhere in the world, an adolescent girl dies as a result of violence.<sup>2</sup>**

The last two decades have witnessed a growing recognition of the pervasive nature and impact of violence against children as well as a proliferation of different measurement activities aimed at shedding light on this phenomenon and filling existing data gaps. This has happened through the inclusion of violence-related questions in several international multi-purpose survey programmes such as UNICEF-supported Multiple Indicator Cluster Surveys (MICS) as well as in dedicated national surveys on violence against children.

While the availability of comparable data on certain forms of violence against children has significantly increased in recent years, there currently are no established best practices for measuring and producing statistics on this sensitive issue that have been agreed upon internationally. As a result, existing research and data on violence against children tend to be inconsistent, unreliable and of varying scope and quality, especially in low- and middle-income countries. The reasons for this are varied. In some cases, this has stemmed from a country's lack of capacity and resources for data collection and, in other cases, from insufficient investment in improving measurement. Additionally, different approaches have been developed to gather data, including the use of diverse definitions, methodologies, questionnaires and indicators that has made comparisons between countries problematic. Therefore, there is an urgent need to improve the collection, analysis, dissemination and use of data on violence against children and to harmonize measurement tools in order to produce estimates that are reliable, valid, comprehensive and internationally comparable in order to accurately document the widespread nature of violence, support government planning and budgeting for child protection services and inform the development of effective laws, policies and prevention efforts worldwide.<sup>3</sup>

Similarly, there is a need to make sure data on violence against children become part of the routine data collection systems, in a way that generates statistics at regular intervals, promotes national ownership of the findings and strengthens local capacity for the collection and analysis of data. A recent review of 38 large-scale studies on violence against children showed that almost all the studies were conducted only once, were mostly commission by international agencies and were carried by out by independent research teams or international consultants.<sup>4</sup>

*“...different approaches have been developed to gather data, including the use of diverse definitions, methodologies, questionnaires and indicators that has made comparisons between countries problematic.”*

The global community recently recognized and included violence against children as a crucial development issue in the Sustainable Development Goals (SDGs). In particular, goal 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” includes targets to: “Significantly reduce all forms of violence and related death rates everywhere,” (16.1) and “End abuse, exploitation, trafficking and all forms of violence against and torture of children” (16.2). During its 47th session from 8-11 March 2016, the UN Statistical Commission officially adopted the global indicator framework that outlines the final set of indicators for which countries will be expected to collect data in order to monitor and report on progress towards achievement of the SDGs and targets. Three indicators were selected to monitor target 16.2, of which two are specifically on violence: One indicator measures the proportion of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month and the other measures the proportion of young women and men aged 18-29 who experienced sexual violence before age 18.

Unlike measurement in many areas within the health, education and HIV/AIDS sectors, violence against children represents a relatively new area of monitoring. Countries have expressed concerns about national level capacity and expertise to monitor and report on large number of indicators, particularly those that have not been part of routine data collection effort and/or systems. This means they may be reluctant to prioritise certain SDGs, particularly those which lack internationally agreed standards, as is the case for violence against children. Promoting harmonized statistics in a sustainable manner will therefore require data collection tools and strategies that can be built into national data collection efforts rather than dedicated data collection efforts which are time and resource intensive. This will necessitate support with data analysis, interpretation of results and translation of the findings to inform policy and programmatic efforts to address and prevent violence.

1 United Nations Children’s Fund, *Hidden in Plain Sight: A statistical analysis of violence against children*, UNICEF, New York, 2014.

2 United Nations Children’s Fund, *A Statistical Snapshot of Violence against Adolescent Girls*, UNICEF, New York, 2014.

3 ChildONEurope, *Guidelines on Data Collection and Monitoring Systems on Child Abuse*, Florence, 2009; Krug, E. G., et al., editors, *World Report on Violence and Health*, World Health Organization, Geneva, 2002.

4 See: Child Protection Monitoring and Evaluation Reference Group, *Measuring Violence against Children: Inventory and assessment of quantitative studies*, Division of Data, Research and Policy, UNICEF, New York, 2014.

# CONCLUSION

**This fourth and final report of the international NGO council on violence against children comes at a time of change. The sustainable development goals have set the target of ending all violence against children by 2030;<sup>1</sup> a global partnership has been formed to fulfil this goal;<sup>2</sup> and the UN is launching a global study on children deprived of liberty.**

As the NGO council gives way to these new initiatives, it is vital that we build on the knowledge and expertise that has been developed during and since the Violence Study. We know more about how violence impacts children than ever before because of the Study and its legacy. The Study itself built on the knowledge of States, UN agencies, civil society, experts from around the world and the experience of children themselves. In the ten years that have followed, UNICEF has released the most comprehensive global research on the prevalence of violence against children to date;<sup>3</sup> the Special Representative of the Secretary-General on violence against children has pushed for the protection of children from violence, whether bullying in schools or abuses against girls in detention; and civil society has rallied to advocate for the protection of children from violence in all settings. To realise goal 16.2 of the SDGs to eliminate all forms of violence against children, we must now build on this experience and expertise.

We know, too, that children deprived of liberty are at a greater risk of violence than children in many other settings and that the detention of children itself can be a form of violence. The global study on violence against children called on States “to ensure that detention is only used for child offenders who are assessed as posing a real danger to others, and then only as a last resort, for the shortest necessary time”.<sup>4</sup> As work on this new global study gets underway, it must take up this mantle to press for the full realisation of the rights of children deprived of their liberty, in whatever setting they are held.

As we move on to the initiatives ahead, the core message of the study rings as true as ever: no violence against children is justifiable, all violence against children is preventable.

<sup>1</sup> Goal 16.2: “End abuse, exploitation, trafficking and all forms of violence and torture of children”

<sup>2</sup> The Global Partnership to End Violence Against Children. More information available at: [www.end-violence.org](http://www.end-violence.org).

<sup>3</sup> UNICEF, Hidden in Plain Sight: A statistical analysis of violence against children, September 2014.

<sup>4</sup> Paulo Sérgio Pinheiro, Independent Expert for the United Nations Secretary-General’s Study on Violence against Children, World Report on Violence Against Children, p. 218.



# **10 YEARS ON: GLOBAL PROGRESS AND DELAY IN ENDING VIOLENCE AGAINST CHILDREN – THE RHETORIC AND THE REALITY**

Report 2016

## **Vision —**

The International NGO Council on Violence against Children envisions a world where all children are born in a safe and nurturing environment and grow up free from violence.

## **Mission —**

To ensure that the recommendations of the UN Study on Violence against Children are effectively implemented worldwide.