

**Background Paper for the International Conference on  
Violence against the Girl Child**

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## Setting the Context

### ***The United Nations Secretary-General's Study on Violence against Children***

Building upon the recommendations adopted by the Committee on the Rights of the Child, the United Nations General Assembly, in its resolution 56/138, requested the Secretary-General to conduct an in-depth study on the subject of violence against children. Professor Paulo Sérgio Pinheiro led the development of the UN Study. Three UN agencies, UNHCR, UNICEF and WHO, were tasked with providing core support to this process.

The United Nations Secretary-General's Study on Violence against Children (2006), the 'Study' was developed over a three-year period in consultation with a wide range of stakeholders, from across the globe and was presented to the General Assembly in October 2006 (United Nations 2006). It is the first United Nations study to engage directly and consult with children and to reflect their views and recommendations. A number of other key sources were drawn upon in producing the report, *inter alia*, a questionnaire was developed and circulated to governments; consultations were held at regional, sub-regional and national level; data was compiled from official statistics and other reports; expert thematic group meetings were held; international organisations, civil society organisations (international non-governmental organisations (INGOs) and NGOs) submitted reports, and; field visits were conducted (Pinheiro 2006: 8-9). To accompany the document shared with the General Assembly, a more comprehensive book was also produced (Pinheiro 2006). To disseminate the findings among children and young people, two publications were prepared and distributed together: 'The United Nations Secretary-General's Study on Violence Against Children: Adapted for Children and Young People' and 'Our Right to be Protected' (The United Nations Secretary General's Study on Violence Against Children webpage 2005). The first book provides background information on the Study and on issues of violence against children. The second, an activity book, provides suggestions and activities for young people and peer educators working with girls and boys aged 12–18 on the problem of violence against children. A third publication, 'Safe you, Safe me' was prepared by Save the Children in order to make the findings accessible for children aged 7 to 12 years old (Save The Children 2006).

The Study adopts a settings-based approach and examines violence against children in the home, family, schools, alternative care institutions and detention facilities, places where children work and communities. It does not specifically address the topic of children in armed conflict since this important area falls under the mandate of the Special Representative of the Secretary-General on Children and Armed Conflict, building upon the United Nations Study on the Impact of Armed Conflict on Children (1996), conducted by Graça Machel.

The Study uses a comprehensive definition of violence that is contained in article 19 of the United Nations Convention on the Rights of the Child (CRC): "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse." It also draws on the explanation in the World Health Organization's (WHO) 'World Report on Violence and Health' (2002) which defines violence against children as, "the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development or dignity" (Pinheiro 2006: 4).

The findings show violence against children is a matter of grave concern that cuts across boundaries of, *inter alia*, culture, class, education, income, gender, ethnic origin and age. Some groups or categories of children are especially vulnerable to different forms of violence. The Study identifies gender as playing a key role in this

regard, “as girls and boys are at different risk for different kinds of violence” (Pinheiro 2006: 13). Included in one of the 12 overarching recommendations he makes, Professor Pinheiro urges States to adopt a gender approach to the design and implementation of policies and programmes to prevent and address violence (United Nations 2006: 27).

As noted in the report, many forms of violence remain hidden (United Nations 2006). Key reasons for this include fear and stigma. Social acceptance is another significant factor. Moreover, many types of violence are invisible because there is no safe or trusted place for children or adults to report it. All data on the prevalence and incidence of violence against children must therefore be treated with caution.

The report notes that some forms of violence, for example, sexual exploitation, trafficking and armed conflict, receive the bulk of attention whereas other types, particularly those that take place within the home and family setting, are largely ignored (Pinheiro 2006). Indeed, as acknowledged in research and policy circles, there has been a hesitancy to pursue children’s rights in the domestic sphere (UNICEF Innocenti Research Centre 2005: x).

#### Follow-up since release of the ‘Study’

Following the release of the Study in 2006, the independent expert led the first year of dissemination and follow up focusing particularly on implementation of its recommendations. Even before it was finalised, however; action had started to address areas of concern. For example, acknowledging the need for multisectoral coordination to address violence against children, an UN Inter-Agency Group on Violence Against Children was established in 2005 with the participation of relevant UN agencies and NGOs. Through regular consultations and the exchange of information, it seeks to promote coordination, coherence and consistency in activities undertaken by the member organisations and, in so doing, supports implementation of the Study recommendations.

As part of the process of development of the Study, nine Regional Consultations were held to provide technical expertise and input. Many of the mechanisms established over the course of preparing the report have continued in various manifestations to follow-up on the recommendations. For example, following its meeting held in May 2005, in South Asia, the South Asia Forum for Ending Violence Against Children (SAF), was formed comprising government representatives from the eight regional countries (South Asia Coordinating Group on Violence against Women and Children 2009). Priority themes were identified, along with time-bound goals for implementation and follow-up. In August 2008, the SAF held its second follow-up consultation. In addition to being seen as a follow-up to the UN Study, it served as the South Asia regional preparatory meeting for the World Congress III Against Sexual Exploitation of Children and Adolescents (South Asia Coordinating Group on Violence against Women and Children 2009). As an outcome of this meeting, the following priority issues for the region were selected: sexual exploitation and sexual abuse; child trafficking for sexual purposes; physical and psychological punishment and its linkages to sexual exploitation, and; child marriage.

Other initiatives have taken off in other parts of the world. For example, in 2005, the Committee of Ministers of the Council of Europe launched a 3-year programme Building a Europe for and with Children. It includes an integrated project ‘Children and Violence’ to support Member States in implementing international and regional human rights standards and in developing effective legal protection for children against all forms of violence (UNICEF Innocenti Research Centre 2005: x). In addition, the Council of Europe promotes follow-up to the Study in line with its ‘Strategy on the Rights of the Child 2009-2011,’ adopted by the Committee of Ministers on 27 November 2008. The Strategy calls on the Council to undertake the following: act as the European forum for follow-up to the recommendations contained in the Study; promote a cross-sectoral exchange of experiences

between countries; encourage ratification and implementation of relevant legal instruments, including the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) and development of the European Policy Guidelines for National Integrated Strategies for the Protection of Children against Violence.

In November 2007, responding to one of the recommendations of the Study, (United Nations 2006: 33), the UN General Assembly requested the Secretary-General to appoint, for a period of three years, a Special Representative on Violence against Children (SRSG). The SRSG has not yet been appointed, but is expected to work closely with the other UN human rights Treaty Bodies and mechanisms, especially those which focus on children. Nevertheless, having the acknowledgement and endorsement of the findings by the UN General Assembly has led to a renewed commitment and momentum to act on the recommendations. This necessitates going beyond awareness raising and speaking out against various types of violence against children. While advocacy is no doubt important, attention is particularly drawn to the need for concrete actions directed at and involving specific actors, especially governments, but also the UN system, NGOs and civil society, the private sector and media, communities, parents and children to implement the recommendations and to show concrete evidence that positive change is taking place for *all* children.

At the international level, the most recent opportunity to demonstrate commitment and action to the protection of children from violence occurred during the 'World Congress III Against Sexual Exploitation of Children and Adolescents' held in Rio de Janeiro in November 2008. The 'Rio Outcome Document' identifies a number of time-bound actions intended for specific actors (Conference participants 2008). Showing that the UN Violence Study cannot be "just one more report that gathers dust on shelves around the world," the document refers to the recommendations of the Study and commits the signatories to its follow-up.

### The Girl Child Conference

To address gaps in knowledge and responses to violence against girls within the home and family, and seeking practical follow-up to the UN Violence Study, the Dutch Ministry of Foreign Affairs, in cooperation with the Ministry for Youth and Families, the Ministry of Health, Welfare & Sport, the Ministry of Justice, and the Ministry of Social Affairs have decided to organise, in cooperation with the UNICEF Innocenti Research Centre, 'The Girl Child Conference' (9/10 March 2009). The conference will share experience, knowledge and best practices about measures to improve girls' lives and to identify empirically tested solutions for implementation. It furthermore aims to serve as practical follow-up to the Study by demonstrating how its recommendations can be effectively implemented (refer to Chapter Three for a summary of the overarching recommendations and those which are specific to the home and family).

### Introduction

This report serves as a background piece and working document that will be finalised following 'The Girl Child Conference,' with outputs incorporated from each of the eight thematic workshops on:

**Preventing child abuse:** This focuses on comprehensive approaches to the prevention of child abuse, improved detection of neglect and corporal punishment, improving structured decision-making and effective cooperation between stakeholders. 'Neglect' refers to "the failure of parents or carers to meet a child's physical and emotional needs when they have the means, knowledge and access to services to do so; or failure to protect her or him from exposure to danger" (Pinheiro 2006: 54). The definition of 'corporal punishment' used in the Study is informed by the work of the Committee on the Rights of the Child and is as follows: "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however

light” (Pinheiro 2006: 52). Corporal punishment does not only involve physical violence, but also humiliating punishment. Emotional abuse may be the most damaging as compared to other forms of child maltreatment (UNICEF Innocenti Research Centre 2005: 9). There is very little prevalence and incidence data, in part because physical violence in the home is, in a majority of states, justified as a means of disciplining children (UNICEF Innocenti Research Centre 2005: 5). Nevertheless, while little national data exists, many scale studies have been done (see for example, [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)). According to the ‘Global Initiative to End All Corporal Punishment of Children’, as of September 2008, the total number of states that have prohibited corporal punishment in all settings, including the home, was 23 (Source: [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)).

**Parenting support:** Programmes must be adjusted to different socio-cultural and economic settings. However, most societies are patriarchal to varying degrees and patriarchal attitudes are often taught and reinforced within the home. Mothers *and* fathers and other caregivers may require orientation and skill-building in gender sensitive parenting techniques. This is in order to help change these entrenched attitudes that perpetuate the inferior status of girls and women, which reinforce notions of femininity and masculinity and which may tolerate gender-based discrimination and violence. The following examples from the Study show that some of these services have been effective in preventing and addressing neglect and violence in some contexts. To reduce neglect and violence against children, the provision of maternal and child health services are considered the first line of action (Pinheiro 2006: 77). Programmes that focus on family functioning, especially family management, problem solving and parenting practices have proven effective in reducing home and family violence against children and other negative child health and development outcomes (Pinheiro 2006: 77). Personalised home visits provide emotional support and training to promote positive parental knowledge, skills and behaviour, and they may offer an opportunity to link the family to other community services, as needed. Many families need help not only in providing basic care but also in early stimulation and education for their children. Parents of children with disabilities may need additional support, including short-term respite to reduce stress on them and the family as a whole (Pinheiro 2006: 80). Although violence in the home is found among all socio-economic classes, studies from a variety of settings show that low parental education levels, lack of income and household overcrowding increase the risk of violence against children (Pinheiro 2006: 80). Furthermore, at the statistical level it is shown that growing up in single-parent families and stepfamilies presents a greater risk to children’s wellbeing (UNICEF 2007: 23).

**Internet based violence:** The internet plays an important role in transmitting new knowledge. In terms of protecting children, it may facilitate information and advice. However, as noted in a recent study, “The new technology gives people who are sexually interested in children a new medium to network, share information and fantasies, explore new identities and normalise their behaviour” (Swedish Children’s Welfare Foundation and The Working Group for Cooperation on Children at Risk under the Council of the Baltic Sea States 2007). Furthermore, it may also expose children to violent and abusive materials (Quayle, Loof et al. 2008). Not only may exposure endorse the idea that sexism, for example, is acceptable, but also the internet facilitates online solicitation or ‘grooming’ of children for purposes that may lead to exploitation and violence. ‘Cyber-bullying,’ which occurs in conjunction with the proliferation of mobile phones, may also expose children to harm (Pinheiro 2006: 312-315). Quayle, Loof and Palmer (2008: 2), in their ECPAT International report on the subject, highlight that the challenge with ‘virtual child pornography’ is concern with the ease of production and sophistication of image production (Quayle, Loof et al. 2008: 3). During 2001-2004, the COPINE Project (Combating Paedophile Information Networks in Europe) observed a large increase in new child abuse images. An estimated 60,000 individual child victims were seen when studying newsgroups (Swedish Children’s Welfare Foundation and The Working Group for Cooperation on Children at Risk under the Council of the Baltic Sea States 2007: 9). Of concern, no one knows who or where these children are and, the children in the new images appear to be

getting younger in age (Swedish Children's Welfare Foundation and The Working Group for Cooperation on Children at Risk under the Council of the Baltic Sea States 2007: 9). In addition, the technologies offer new ways for young people to harm other youth and themselves (Quayle, Loof et al. 2008: 3). The Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008) (which is pending final approval) includes a number of recommendations for addressing child pornography and child abuse images (please refer to Appendix B).

**Girls who experience domestic violence (including as witnesses):** According to the Preliminary report of the Special Rapporteur on violence against women, its causes and consequences, domestic violence takes many forms:

Young girls and children are often victims of sexual assault within the family. Elderly family members and the infirm may also be subject to ill-treatment. Female domestic servants are another category which is often at the receiving end of violence. In extended families, mothers-in-law are often violent towards their daughters-in-law. Though there are many incidents of assault directed against the husband, studies show that they are not so frequent and rarely result in serious injury. Despite all those different types of domestic violence, the most prevalent is the violence of the husband against the wife (United Nations Economic and Social Council 22 November 1994).

As defined by the UNICEF Innocenti Research Centre (2000: 2), domestic violence includes "violence perpetrated by intimate partners and other family members." It is manifested through physical, sexual, psychological, and economic abuse (UNICEF Innocenti Research Centre 2000: 2). The forms of violence to which a child will be exposed vary according to his or her age and stage of development. Young children are more likely to be abused by primary caregivers and other family members because of their close dependence on them and limited independent interactions outside the home and family setting (Pinheiro 2006: 50). Older children are more likely to be victimised by people outside their home and family (Pinheiro 2006: 50). However, older children do still experience domestic violence. Studies show that girls face increased risk of murder by intimate partners (dating partners or spouses) or by the families of the intimate partner (Pinheiro 2006: 52). Children of all age groups witness domestic violence. There is furthermore a link between domestic and other forms of violence. For example, a recent study of trafficking in South Eastern Europe showed that the vast majority of children and young people who had been trafficked came from families that experienced domestic violence and abuse (Dottridge 2008: 9). According to the WHO Multi-country Study<sup>1</sup> on Women's Health and Domestic Violence against Women (2005), violence against women and girls is a much more serious and widespread problem than previously suspected (WHO 2005). Sexual violence is a particular concern for girls and women and this furthermore contributes to their vulnerability to HIV infection (WHO 2005).

**Community-led efforts and cooperation to promote the abandonment of female genital mutilation/cutting (FGM/C):** FGM/C is often used as an illustration of 'harmful traditional practices'. The practice varies considerably in degree of severity but involves the complete or partial removal or alteration of the external genitalia for nonmedical reasons (United Nations Economic and Social Council 31 January 2002; UNICEF Innocenti Research Centre 2005: 1). Prevalence rates are highest in Somalia, Ethiopia, Eritrea and Djibouti followed by Egypt, Sudan, countries in East and West Africa, with some cases also occurring in other parts of the Middle East and in Asia (Pinheiro 2006: 61). Within countries there are wide differences in practice,

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<sup>1</sup> Data was collected from over 24 000 women from 15 sites in 10 countries representing the following diverse settings: Bangladesh, Brazil, Ethiopia, Japan, Namibia, Peru, Samoa, Serbia and Montenegro, Thailand and the United Republic of Tanzania.

for example in terms of geography and population groups. FGM/C can have long-term adverse health and development consequences for women and their children. The practice is deeply entrenched in social, economic and political structures, however. For this reason, it is difficult to promote its abandonment, even if parents and other family members are aware of the physical and psychological harm it causes to their daughters and female relatives. Programmes that have proved successful in eliminating the practice have been documented and evaluated. Getting coordinated and collective agreement by a significant number of families in a community to abandon the practice is, however; an important dimension of this process.

**Combating early and forced marriage:** Girls are usually affected. Early marriage of girls is common in South Asia, East Africa and in some countries in East and Southern Africa and the Middle East (Pinheiro 2006: 57). Although the practice may be illegal, the laws are often ignored, marriages are not registered, and customary or religious rules are accepted (Pinheiro 2006: 58). The absence of functioning birth registration systems furthermore contributes to the impunity with which this practice continues in many parts of the world (UNICEF Innocenti Research Centre 2001: 6; UNICEF Innocenti Research Centre March 2002). In contexts of high economic uncertainty, early marriage may be seen as a family survival strategy and in the longer term interests of the girl's financial and physical security (UNICEF Innocenti Research Centre 2001: 6). Early and forced marriage brings about a number of harmful consequences for girls. For girls it usually leads to school drop-out, and early pregnancy and childbearing which may have adverse health consequences for her and her child (UNICEF 2009). Furthermore, girls who are married young are disproportionately affected by violence<sup>2</sup> from their husbands. According to the 2002 report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, "In the majority of countries criminal law can be invoked for assault in marriage but not for rape" (United Nations Economic and Social Council 23 January 2001: 20). In settings where dowry (the term used to describe the money or goods that a woman brings to her new husband) must be paid, dowry-related harassment, especially from in-laws, can be extreme and lead to death (United Nations Economic and Social Council 31 January 2002; Pinheiro 2006: 58).

**Preventing violence committed in the name of honour:** As explained in the Study, "In some cultures, suspected loss of virginity of a female member of the family, including as a result of rape, is perceived as compromising family honour, and may lead to her murder by family members" (Pinheiro 2006: 56). Cases have been documented in a number of countries, including in countries with populations originating from Asia and the Middle East (Pinheiro 2006: 56). According to the UN Special Rapporteur on Violence Against Women, the perpetrators of honour killings are primarily husbands, fathers, brothers or uncles, however, female relatives may also be directly involved or as accomplices (United Nations Economic and Social Council 31 January 2002: 12). As honour killings often remain a private family affair, there are no official statistics and the true extent of this practice remains unknown (United Nations Economic and Social Council 31 January 2002: 12). Male dominance and gender discrimination are root causes of honour crime. Therefore, honour-related crimes must not be treated in isolation from other forms of violence against girls and women (Karlsson 2007).

**Transforming son preference:** Son preference takes many forms. For example, it is often manifest in the neglect, deprivation or discriminatory treatment of girls to the detriment of their physical and mental health and development (United Nations Economic and Social Council 31 January 2002; UNICEF Innocenti Research Centre 2000: 6). Extreme forms can include sex-selective abortions and female infanticide (Pinheiro 2006: 52; UNICEF 2007: 24). It may even result in murder. As documented in the Study, in some parts of South Asia, there have been reports of high rates of murder of girls within a few days of their birth, with their deaths often disguised and registered as a still birth (Pinheiro 2006: 52). In addition to female infanticide, gender differences in neglect also reveal son preference. For example, research done in India on sex differences in neglect and

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<sup>2</sup> 'Violence' in this case refers to physical, emotional and sexual violence, including rape in marriage.

over the early years of life show that girls are breast-fed less frequently and for a shorter duration; once weaned they get food of an inferior quality, and; they are taken to health services less often and later in the course of an illness. In China, infanticide contributes to the sex ratio which favours boys (117 to 100) (Pinheiro 2006: 54).

The materials cited in this background document draw heavily on findings from the United Nations Secretary-General's Study on Violence against Children (2006) and the United Nations Secretary-General's in-depth study on all forms of violence against women (2006). This document also draws on a review of recent literature conducted and/or supported by Save the Children, UNICEF, the UNICEF Innocenti Research Centre (IRC) on the issue of violence against children, in general, and against girls, in particular. This literature presents research that has been conducted in a variety of socio-economic and political settings across the world. The information provided is furthermore complemented by some of the key academic articles on the issue. Some of this research is dated, however, attention is drawn to it because of the influence the work has had on subsequent academic and policy thinking in these areas. This document also incorporates inputs and outcomes of recent international meetings held on relevant issues, most notably the World Congress III Against Sexual Exploitation of Children and Adolescents held in Rio de Janeiro in November 2008.

This is not, however; an exhaustive examination. In fact, there are many gaps in information about the specific types, incidence and effects of violence on girls. As highlighted in the Study, while gender is acknowledged as an under-researched, albeit important aspect of violence against children, data has been seldom disaggregated for this variable. This makes it difficult to tailor prevention and response to the specific needs of girls and boys. Despite these shortcomings, this summary draws attention to several key considerations about children (especially girls) that are explored below. It is strongly suggested that they be factored into the discussions that will take place in the different thematic working groups over the two-day conference.

## **Chapter One: Why Focus on Violence against Girls?**

### **The concerns as expressed from within the international human rights system**

Violence against children takes many forms. Although much goes unreported and data is often scant or unreliable, girls' and boys' vulnerability to and experiences of violence are often different. So important is this feature that addressing the gendered dimension of violence against children is one of the 12 overarching recommendations of the Study (United Nations 2006: 27). Addressing gender-based discrimination and violence has been raised previously within the international human rights system. In 1993, for instance, the Vienna World Conference on Human Rights, under the section 'Rights of the Child,' urged "States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child" (United Nations General Assembly 14-25 June 1993).

Attention has been drawn to the root causes of gender-based violence. For example, in the same year as the Study was released, the UN Secretary-General presented a comprehensive in-depth study on all forms of violence against women to the General Assembly which, *inter alia*, highlights the structural and systemic causes of male violence towards women and girls, the risk factors that increase their vulnerability, and the factors that shape their personal experiences of violence (United Nations 2006: 11). Moreover, in the Vienna Declaration and Programme of Action, the outcome document of the World Conference on Human Rights (1993) explicit attention is drawn to the various forms of gender-based discrimination and violence that women and girls are exposed to and which impede their "full and equal participation in all aspects of political, civil, economic social

and cultural life” (United Nations General Assembly 14-25 June 1993). Moreover, importance is drawn to the need for state and non-state actors to work together towards the following:

...the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism” (United Nations General Assembly 14-25 June 1993).

This was reaffirmed during the Fourth World Conference on Women (1995) in the Beijing Declaration. In addition, in the context of war and conflict, armed groups and warring factions (both government and non-State actors) often target girls and women and subject them to extreme forms of violence and humiliation. Furthermore, in rehabilitation and reconstruction processes, the needs of girls and women are often inadequately addressed. In fact, girls and women may be at risk of rape and sexual abuse committed by relief workers and peacekeeping personnel (United Nations Economic and Social Council 23 January 2001). Precise legal standards have, however, been developed in response to these forms of violence. Most notably, the Statute of the International Criminal Court (ICC), makes explicit that rape and other gender violence are among the most serious crimes of concern to the international community by specifically defining them as acts of ‘crimes against humanity’ and ‘war crimes’ (United Nations Economic and Social Council 23 January 2001: 7). Moreover, UN Security Council Resolutions 1325 (2000) and the more recent 1820 (2008) concerning ‘Women, peace and security’ specifically address the impact of war on women and girls and assert that rape and other forms of sexual violence constitute weapons of war.

The 51<sup>st</sup> Session of the United Nations Commission on the Status of Women (26 February -7 March 2007) took as its priority theme, ‘The elimination of all forms of discrimination and violence against the girl child.’ Taking stock of progress and review of the Beijing Platform for Action in 2005, Member States reported that even though achievements had been made, especially in relation to the enactment of legislation, the protection of the rights of girls had not made sufficient progress. Not only was attention drawn to the continuance of harmful traditional practices, including FGM/C and forced marriages, but it was also noted that girls were especially vulnerable to sexual abuse, commercial sexual exploitation and trafficking, including in conflict and post-conflict situations (United Nations Economic and Social Council 12 December 2006: 4).

In its resolution 50/2 of 10 March 2006, the Commission on the Status of Women drew attention to women and girls’ vulnerability to HIV. Also noted was the fact that HIV/AIDS reinforces gender inequalities, as women and girls bear a disproportionate share of the burden, including care and support for those infected and affected by the disease (United Nations Economic and Social Council 12 December 2006: 5).

In General Assembly Resolution 60/141 of 16 December 2005 on the girl child, concern was expressed about girls’ disadvantage as compared to boys’ in relation to education, nutrition, physical and mental health care, and noted that this curtailment of their fundamental human rights denied them “the opportunities and benefits of childhood and adolescence and subjected them to various forms of cultural, social, sexual and economic exploitation” (United Nations Economic and Social Council 12 December 2006: 4). It was furthermore identified that girls were among the most adversely affected by poverty and armed conflict.

Under other Charter-based bodies of the UN, the Human Rights Council furthermore address the human rights of children as a cross-cutting theme (see for example: [www2.ohchr.org/english/bodies/chr/special/children.htm](http://www2.ohchr.org/english/bodies/chr/special/children.htm)) for the list covered. Gender-based discrimination and violence is, however; frequently mentioned as an issue of

serious concern. Violence against girls is addressed, *inter alia* in the following mandates: the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially in women and children.

As part of the on-going work of the UN Treaty-based Bodies, they too have, on many occasions, raised concerns about the persistence of these types of human rights violations, and the different risks and vulnerabilities girls and boys face in different settings. For example, during its Day of General Discussion on 'The Girl Child' (January 1995), the Committee drew attention to the persistence of gender-based discrimination and violence against girls and women. It was mentioned that despite the fact that the human rights of women and of the girl child are "an inalienable, integral and indivisible part of universal human rights", and that the eradication of all forms of gender-based are priority objectives of the international community, girls' and women's place in society often remained inferior to that of boys and men. Not only was it recognised that the inequality is structural, but also that it is often reflected and reinforced in State legislation (United Nations Committee on the Rights of the Child 21 January 1995: 2-3). Similarly during a discussion on the 'Role of the Family in the Promotion of the Rights of the Child' (1994), gender bias within the family was noted, particularly, how girls are given a disproportionate amount of domestic work and how they are expected to conform to traditional stereotypes of women (United Nations Committee on the Rights of the Child 10 October 1994). *During* the Day of General Discussion on 'Violence against Children within the Family and in Schools,' convened by the Committee on the Rights of the Child (September 2001), it was noted that girls and boys may experience dissimilar patterns of abuse and vulnerability. Girls may at times be at higher risk of sexual abuse or forms of family violence that include "honour killings" and traditional harmful practices, whereas boys may be more discriminated against by legislation or social values that could make them subject to brutal forms of school or family punishment which is not applied to girls (United Nations Committee on the Rights of the Child 28 September 2001: 5).

In its review of reports of States Parties, the Committee, in its 'Concluding Observations' furthermore draws frequent attention to gender-based discrimination and violence, including against girls, as issues of concern. It also draws attention to the links between gender-based and other forms of discrimination. States Parties to the Convention are furthermore requested to draw attention to the measures taken to prevent and address all forms of discrimination and violence, including those that are gender-based (Hodgkin and Newell 2002). The Child Rights Committee also issues 'General Comments.' While there are none specifically on the issue of violence against girls, the issue has nevertheless been raised. For example, on adolescent health and development the Committee mentions that gender-based discrimination and stereotyping contributes to harmful traditional practices experienced by girls (United Nations Committee on the Rights of the Child 1 July 2003: 7).

Other Treaty Bodies have issued 'general recommendations' that pertain to the gendered nature of some forms of discrimination and violence, in general, and the specific risks posted to girls and women, in particular. The Committee on the Elimination of Discrimination against Women (CEDAW), for example, has issued two general recommendations on 'Violence against Women,' in 1989 (No. 12) and in 1992 (No. 19). The most comprehensive one was issued in 1992. *Inter alia*, it acknowledges that the attitude that women and girls are subordinate to men and boys perpetuates practices that may lead to discrimination, harassment, coercion and violence in home and family settings and in the workplace. It may furthermore discourage their active participation in politics and discourage them from pursuing higher levels of education, skills and employment opportunities (United Nations 12 May 2004: 248). It is recognised that such attitudes also contribute to demeaning and gender-stereotyped images in the media, which may in turn contribute to gender-based violence (United Nations 12 May 2004: 248). Poverty, unemployment and conflict may exacerbate women and girls' vulnerabilities and put them at risk of sexual exploitation and violence (United Nations 12 May 2004: 249).

Furthermore, traditional practices may be harmful to the health of girls and women, and preference for male children may result in neglect or ill-treatment of girls (United Nations 12 May 2004: 249).

The Committee on the Elimination of Racial Discrimination (CERD), in 2000, issued ‘General recommendation XXV on gender-related dimensions of racial discrimination.’ The Committee notes that racial discrimination does not always affect women and men equally or in the same way (United Nations 12 May 2004: 217). Some forms may be directed towards girls and women specifically because of their gender, for example, sexual violence. The effects, moreover, may be unique to women and girls such as pregnancy and ostracism resulting from rape. Due to the inherent gender biases in many legal systems, and in general social and economic life, they may be further discriminated against (United Nations 12 May 2004: 217).

### Addressing the gender dimensions of violence: boys are also affected

While noting the multiple structures which put girls and women at risk of violence and which make their experiences different from that of boys and men, it is nonetheless, important to reaffirm that gender is not just about females, but it comprises the different roles, responsibilities, access to and control over resources between males and females.. As recommended in the Study there is a need to address the gender dimensions of violence against children. This makes explicit the need to take into account “the different risks facing girls and boys in respect of violence” (United Nations 2006: 27). Hence, in designing and implementing programmes and policies to tackle violence against girls, efforts must be taken to ensure they do not undermine the inalienable rights of others, including those of boys.

Adopting a gender perspective to prevent and address violence against children necessitates critical examination of norms around masculinity and femininity. In most societies, but to different degrees, boys learn that it is socially acceptable to control and dominate, and girls are taught to accept this as the norm (Save the Children Alliance 2005: 110). Countering these norms is difficult because they are reflected in most aspects of social and economic life, and are reinforced in the media and in entertainment (Save the Children Alliance 2005). This may make victims reluctant to speak out. For example, due to stigma around homosexuality and entrenched norms of masculinity, the common perception in many settings is that boys cannot be raped (Save the Children Alliance 2005: 28). Evidence suggests that girls are at greater risk of sexual violence than boys, however; it is also established that boys may be reluctant to speak out against it when it occurs to them because they are expected to be able to protect themselves so will be perceived as “weak and unmanly” (Pinheiro 2006: 54). These biased norms may be reflected in programmes and policies. For example, as a recent Save the Children Alliance (2005) report points out:

Many child sexual abuse prevention programmes in South Africa have focused on empowering girls, and have not included boys. However, boys and men are both victims and perpetrators of abuse, and it is impossible to deal holistically with the issue of child sexual abuse without involving males (Save the Children Alliance 2005: 102).

Even in seemingly innocuous activities such as sport, which are often seen as promoting, *inter alia*, self-esteem and well-being, gender stereotypes may be promoted and reinforced: “for the most part, girls play with girls in ‘girls’ activities’ and boys play with boys in ‘boys’ activities’, though sometimes they play together in gender-mixed activities” (UNICEF Innocenti Research Centre in publication: 14). This draws attention to the need to address gender in all aspects of social and economic life. In sport, gender differences can easily become divisive, with boys being seen as better athletes than girls (UNICEF Innocenti Research Centre in publication: 14). In so doing, sport may reinforce gendered norms and disparities, but also it may put some athletes at risk of violence. The majority of studies on sexual abuse in sport have investigated male coaches found guilty of

abusing under-age female athletes. This finding may be misleading, however; as *both* male and female perpetrators and victims have also been identified (UNICEF Innocenti Research Centre in publication: 31). Children who have experienced violence and maltreatment are less likely to participate in sports. Furthermore, social and economic marginalisation, race and culture influence children's experiences of sport (UNICEF Innocenti Research Centre in publication: 25).

The UN Commission on the Status of Women, at its 51<sup>st</sup> Session, which was dedicated to the theme 'The elimination of all forms of discrimination and violence against the girl child,' convened several high level round tables to share good practices, lessons learned and good practices. Highlighted was the need to adopt a gender approach to address the problems facing girls. Also noted was the requirement for greater attention to involve boys and men in efforts to prevent and combat violence against girls and women (UN Commission on the Status of Women 26 February 2007: 5). Hence, efforts to prevent and address violence against girls must also consider their effects and impacts on boys (not to mention on adult women and men). In the following section, and drawing on key contributions from the literature, other considerations that relate to childhood which are important for responding and addressing to violence will be discussed.

## **Chapter Two: Theoretical Background**

An overview of several key concepts and terms is important for a number of reasons. First, although it may be widely agreed that a child is any person under 18 years old (as established in Article 1 of the CRC), there is a wide diversity of experiences children go through before reaching adulthood. Some grounding in these is important in designing, implementing, monitoring and evaluating strategies intended to promote and protect children's development and to ensure that all interventions are firmly situated in the lived realities of girls' and boys' lives.

### **What is meant by 'childhood'?**

We are popularly confronted by a sentimental (Zelizer 1994) view of children as dependent, 'the most vulnerable members of society,' and developing into adults whose rightful place is within the protective and nurturing sphere of the household. This representation has become a well-accepted part of popular thought. On the other hand, as especially manifest in stories which appear in the media, is the portrayal of children as having a lack of respect for authority and as perpetrators of violence and crime, which includes bullying of other children and their elders. To reconcile these starkly contrasting portraits necessitates greater recognition of children in the context in which they grow up and attention to children's own perspectives on their lives. Societies across the world are undergoing profound social and economic transition, and while we may like to think that children should be isolated from such changes, the reality is that they too are affected and are often active participants in these processes (James and Prout 1997). While children generally lack the same power as do adults, they nevertheless are social, economic and political beings (even if they are unable to directly participate in political processes). In Ethiopia, for example, their roles and responsibilities have been directly affected by processes of globalisation, for example, changing 'North-South' relations in trade and development (Abebe 2007). In fact, it has been argued that girls and boys are more affected by globalisation than other groups in society and have little or guidance to guide them through these processes because:

The world in which many young people are growing up is unrecognisable to their parents, rendering it harder for them to comprehend the challenges facing their children and the appropriate levels and nature of protection needed. Global corporations are competing with the family and school to become the most influential institutions in young people's lives. Yet, unlike

parents, these institutions bear no responsibility for young people, are not accountable to them (Lansdown 2005: 32).

While the UN CRC defines children as any person under the age of 18 years, it is recognised that there are a diversity of experiences girls and boys go through as they transition from childhood into adulthood (Lansdown 2005; Vogler, Crivello et al. 2008). Indeed, the concept of the 'evolving capacities of the child' is mentioned explicitly in Article 5 of the CRC. As Gerison Lansdown (2005: ix) notes in her report of this same title, this concept has profound implications: it acknowledges that the nature of children's relations with their parents, other family members and the wider community are dynamic. Furthermore, it takes note of the State's responsibility for ensuring that children are supported and encouraged in the process of growing up and that they are able to participate effectively in these processes. More attention to these shifts in the individual life cycle and how they are impacted by social, economic and political context are required if policy and programme interventions to prevent or address violence are to achieve their goals.

With regards to transitions and violence, the types experienced and their impacts on the life of the child will often depend on what phase or stage they are in the life course (Pineiro 2006). For example, as studies have found, infants may be more vulnerable than older children to neurological damage as a result of maltreatment (UNICEF Innocenti Research Centre 2005: 5). When they are older, for example during the middle years of childhood when children are expected to be in primary school (which roughly corresponds with the ages of 5 and 10 years old), in-school bullying is a serious problem that affects self-esteem which can be carried into adulthood (UNICEF Innocenti Research Centre 2005: 9; UNICEF 2007: 32-33).

Gender roles and relations are also not static and they change over time (International Save the Children Alliance 1999; Mayall and Zeiher 2003). Around puberty, issues of gender, sexuality and sexual identity may play more important roles in children's lives. Children who do not conform to traditional gender roles may be subjected to physical and/or humiliating punishment in their homes, families and in the community. Sexual diversity may furthermore put both girls and boys at risk of sexual harassment or violence in sport (UNICEF Innocenti Research Centre in publication). Some girls may be at greater chance of experiencing sexual violence, and forced or early marriage at this phase in their development. Moreover, for girls in particular, the transitions to adulthood may come about sooner if they experience early marriage, pregnancy and/or childbirth (Bruce, Green et al. 1998). Puberty is also a period where there is a greater likelihood of some adolescents engaging in hazardous and self-harming behaviours, for example, drug and alcohol abuse, unprotected and unsafe sex, cutting and eating-related disorders. As noted in the Council of Europe's Parliamentary Committee Recommendation 1632 (2003) on 'Teenagers in distress: a social and health-based approach to youth malaise,' young people in Europe are increasingly engaging in risky behaviour such as smoking, excessive alcohol consumption, illegal drug use, eating disorders and unprotected sexual activity (UNICEF Innocenti Research Centre 2005: 12).

### Who do we mean by 'girls'?

The Study draws attention to violence against children and notes that both girls *and* boys are victims but that gender often plays a role in the types they experience (United Nations 2006). As noted in a European review of the problem, "...violence knows neither gender nor bias, though there may be gendered distinctions in the degree of violence in some contexts" (UNICEF Innocenti Research Centre 2005: 12). For example, the World Health Organisation (WHO) estimates that globally 150 million girls and 73 million boys under 18 have experienced sexual violence (Pineiro 2006: 52; WHO 2006). In situations of war and conflict, gender-based violence, especially against women and girls, has been noted as an issue of concern. For example, UN Security Council Resolutions 1325 (2000) and the more recent 1820 (2008) concerning 'Women, peace and

security' specifically address the impact of war on women and girls and assert that rape and other forms of sexual violence constitute weapons of war. As intended by the perpetrator, this type of violence frequently leads to stigma and isolation of the victim by the community.

When speaking of girls' experiences of violence it is, nevertheless, necessary to clarify what this means. This is because, not only is 'childhood' diverse (Alanen and Mayall 2001), but also the experiences of girls vary tremendously. Girls are distinguished from each other by a number of variables that are not mutually exclusive, including; age and position within the life course, membership in a particular socio-economic class, poverty and economic exclusion, religion, ethnicity, colour, caste, sexual orientation, disability/physical and mental health, minority status and citizenship (including status as asylum seeker or refugee) (UN Commission on the Status of Women 27 February 2007: 1). It is often a combination of these factors that play out in issues around violence against girls. In fact, while the type of violence may be gendered, it may be another aspect (such as race, religion or citizenship) that is the key reason for violence to be perpetrated in the first place. As one study shows, Roma children in Hungary are particularly vulnerable to racially motivated violence (UNICEF Innocenti Research Centre 2005: 8). As described in a recent UNICEF (2007) report, "where gender discrimination intersects with these "other sites of oppression", levels of violence are likely to be compounded" (UNICEF 2007: 19). Moreover, the State is not always a benign actor, and levels of complicity range from the persistence of gender discrimination in laws and their interpretation, to more sinister forms that may overlook international humanitarian law, including the protection of civilians (which include children) in inter- and intra-state conflict.

Evidence shows that indigenous children may be particularly vulnerable to violence than many other population groups, and girls in these communities may be at greater risk of gender-based violence and discrimination. Many indigenous communities live under extreme strain brought about due to environmental degradation of their lands, displacement and the loss of traditional livelihoods and, in some cases, deliberate actions by state authorities to assimilate their cultures (UNICEF Innocenti Research Centre 2001: 11). Not only do risks come from external sources, but also from within the community itself, especially for those undergoing profound social and economic stress. Indigenous peoples endure far higher rates of poverty than do other populations, and indigenous children, particularly girls, are the worst affected. Among some indigenous populations, alcohol and substance abuse is rampant, having direct and harmful implications for children and among children themselves (UNICEF Innocenti Research Centre 2001: 12). Girls in these communities may be especially at risk of domestic violence (UNICEF 7 May 1994: 5). While the isolation of indigenous communities tends to protect them from HIV/AIDS, it also suggests that they are less likely to be informed about how to protect themselves from it. Indigenous children often have poor access to health care services available to the majority population. As schooling rates in indigenous communities are often low, and even lower for girls, indigenous girls and young women frequently do not have access to information about HIV/AIDS and its prevention, even if such education is included into the school curriculum (UNICEF 7 May 1994: 4). Lack of access to culturally-appropriate, quality education ensures the inter-generational transmission of poverty and marginalisation, while putting indigenous children at particular risk of becoming involved in harmful work, including commercial sexual exploitation. In fact, evidence shows in some parts of the world, indigenous girls are at greater risk of trafficking and sexual exploitation than girls from the majority population (UNICEF Innocenti Research Centre 2001: 13).

In addition to these characteristics of 'girls', at the home and family level, household composition, birth order and sibling composition also play a role in determining roles and responsibilities (Punch 2001). Some of these features may place some children within the household at greater risk of violence than others. For example, the eldest daughter in a socially and economically marginalised household without sons may experience pressure from her family or she may herself feel responsible to migrate for work. This could put her at risk of unsafe forms of migration that could lead to trafficking or other forms of violence. Hence, while her gender may put her

at greater risk of certain types of violence, it is in fact a combination of household composition and birth order that forced her into this particular position of vulnerability.

### Recognition of children's own resilience and capacities

It is well established that most girls and boys have experienced and witnessed some form of violence (UNICEF Innocenti Research Centre 2005; Pinheiro 2006). However, as is evident from the Study and other research, the type, frequency, and severity of violence varies. The consequences can be devastating and have both short and long-term adverse impacts on all aspects of children's health and well-being and their capacities to learn and grow into adults (Pinheiro 2006: xi). Nevertheless, some studies show children's resiliency even in the face of tremendous violence and hardship. For example, even within contexts of high stress and cruelty, Jo Boyden (Boyden 2007: 27, 28) finds that affected girls and boys may develop important social values and competencies. Hence, becoming a capable actor does not necessarily require peaceful processes, but rather may also happen despite children's' exposure to and experiences of conflict and violence.

Nevertheless, children's own inherent and evolving capacities to prevent violence, to self-protect and/or to cope with the effects are often ignored or dismissed in efforts to support them. Lansdown (2005: 13) writes, "Prevailing assumptions about children's capacities impose static judgements and measurements about 'normal' stages defined by Western standards and lead to a pathologising of children who fall outside the 'normal' parameters." This is due to a prevailing model of child development which views children as being in a "state of immaturity characterised by being irrational, incompetent, asocial and acultural, and passive and dependent" (Lansdown 2005: 10). As a result, much of children's agency is rendered invisible. This can be further traumatizing for the concerned child, and render them even more vulnerable. For example, in her study of child sexual abuse in the UK, Jenny Kitzinger (1997) shows that even child victims of sexual abuse demonstrate means of resistance. Yet she notes that children's strategies to protect themselves are often ignored, and that the failure to accept children as agents of their own lives ignores their exercise of power (Kitzinger 1997). Rather than turning to formal mechanisms that may neither be appropriate nor effective, peer support and informal networks may have more positive results for children who have experienced violence. In fact, peer groups and friends are a tremendous yet often under-recognised support structure for many girls and boys.

This also draws attention to the importance of consulting with and involving children meaningfully in efforts to prevent and address violence, including its underlying dimensions. To do this, a safe and supportive environment that is accessible to a wide range of children and which ensures their protection is required. Examples of this include the creation of 'child-friendly' materials and the involvement of children in regional consultations, including in an NGO Advisory Panel to the Study (United Nations 2006: 7). More recently, close to 300 children and adolescents participated actively in the 'World Congress III Against Sexual Exploitation of Children and Adolescents' (November 2008), providing their own recommendations to end sexual abuse and exploitation of children (UNICEF Press Release 28 November 2008; Save the Children Alliance 2009). Children and young people made a number of recommendations under each of the five conference themes, inter alia: empowering parents to protect their children from sex exploitation; the provision of sexual education in school curriculum for children aged 10 years old and above; teacher training to ensure that this is done effectively; improved legislation and education to stop child marriage (which they view as related to sex exploitation and abuse); greater awareness and discussion in the media on the issues, and; the suggestion that every government agency and international organisation dealing with children's rights have a 'Children's Ambassador' (Save the Children Alliance 2009: 20-22, 26 and 40). Other case studies that demonstrate how children have been involved meaningfully in research, policy advocacy and programming have been documented and shared (Feinstein and O'Kane in publication).

## The multi-faceted dimension of violence against children

Although the Study draws attention to gaps in information about violence that takes place within the home and family, it highlights its “multi-faceted nature” (Pinheiro 2006: xvii). Indeed, a significant weakness with many studies is that they often take a ‘compartmentalised’ view of violence, that is, they usually “focus on specific forms of violence in isolation, with little consideration of the associations between these forms of violence or the fact that children frequently experience multiple forms of violence during their lives” (UNICEF Innocenti Research Centre 2005: 4). So, violence committed within a home or family environment may overlap and/or have linkages with forms of violence that take place in other settings. For example, some forms of violence that take place within the home may be the result of societal pressures. This is the case for traditional practices such as FGM/C and child marriage. Even though the perpetrators are aware of the damage that can ensue and would prefer to avoid this result, the consequences of not conforming may bring about greater harm. These considerations are important when developing strategies (including policies and programmes) to address the subject areas to be covered over the course of the two-day conference. While the division of topics makes it helpful for mapping out each of the issues on violence against girls in the home and family setting in greater depth, given the many dimensions of violence suggested above, it is important to keep in mind that these are, to some extent, artificial constructions, and that there are many interrelated and overlapping issues. For example, children who are physically punished are far more likely to experience other forms of violence than those who are not (UNICEF Innocenti Research Centre 2005: 5). Furthermore, the effects may be intergenerational: such children are more likely to end up in abusive relationships and/or to abuse their own children or spouses (UNICEF Innocenti Research Centre 2005: 5).

Another aspect of its multi-faceted dimensions is the recognition of ‘new’ forms of violence against children. The Study draws attention to the challenges posed by internet and communication technologies, recognising that access to information is a fundamental right and that these forms of information can play important roles in transmitting new types of information (Pinheiro 2006: 312). However, as observed, these mediums are difficult to regulate. They may result in children’s exposure to violent and discriminatory imagery (including hate crimes), online solicitation and ‘cyber bullying’ that is also linked to the proliferation among children of mobile phones (Pinheiro 2006: 312). Over the course of the ‘World Congress III Against Sexual Exploitation of Children and Adolescents’ (November 2008), previously lesser known forms of sexual exploitation, such as sexual exploitation through exposure to abusive images and other violent crimes conducted over the internet, were raised as issues of concern (UNICEF Press Release 28 November 2008). These technologies create challenges for policy makers because, not only is it recognised that the internet may facilitate violence, but also it can be used as an empowering tool for young people and serve as a preventive and protective medium. Moreover, crimes committed over the internet often occur in multiple sites, so tackling them requires regional and/or international cooperation to address them.

### Violence in its settings: including in the ‘home’ and ‘family’

This next section focuses on what is meant by ‘home’ and ‘family.’ These terms are social constructions; hence the meaning varies according to context. For example, what constitutes the ‘home’ and ‘family’ is not necessarily a single unit or situated in close proximity as may be commonly understood, but rather may be spread across vast distances. The spatial division of homes and families may be brought about due to social and economic necessity. Indeed, many studies show that large numbers of children are growing up in a situation whereby one or more parents lives elsewhere for work, even abroad, while children remain at home in the care of other kin (Global Commission on International Migration 2005).

There are also long-standing traditions whereby children are sent to live with other family members for the purposes of education and /or to strengthen kinship ties that can be very important in times of economic hardship (Hashim 2005; Whitehead and Hashim 2005). While some forms may be long-established practices, 'new' traditions are also developing in response to on-going social and economic change, including HIV/AIDS that can make migration a rational response and coping strategy to the illness and loss to the household of key members (Young and Ansell 2003). While the tendency in policy and research circles has been to focus on left-behind or migrant children as victims or even as 'trafficked,' some of these responses may in fact be seen as protective strategies by parents and children, and furthermore they may lead to positive outcomes for children (O'Connell Davidson and Farrow 2007).

Homes and families are also uprooted as a result of conflict and unrest. Indeed, in many parts of the world, many children are growing up with some or all of the members of their family in 'homes' situated in internally displaced persons (IDP) or refugee settlements and camps. Complexity in defining these terms also arises because 'family' often extends beyond immediate and extended members to include 'fictive' kin who are not 'actual' relations but who are treated as such (Carsten 2000). Moreover, the concept of family is evolving: many different types of family units have become more common in recent decades (UNICEF 2007: 23). For example they may comprise two-parent, single-parent, and step-parents and children may circulate between different households to spend time with one or more biological parents and even half or step-siblings (UNICEF 2007: 23).

Not only are 'home' and 'family' contentious terms, but also roles and responsibilities within these institutions, including children's contributions to them, vary according to the social and economic setting. For example, while the responsibilities of many middle and upper class children across the world may involve balancing studying and homework, doing chores and play, for others who are less economically well-off in both the developed and developing world, but particularly in the latter, the weight may be entirely different, even involve other variables such as paid work (Alanen and Mayall 2001). Moreover, children's relations to their parents may not be entirely dependent, but rather involve greater interdependence, especially if they are economic contributors to the household (Punch 2002). Also affecting their access to and control over resources, girls and boys assume different roles and levels of responsibility depending on their gender and position within the life course. Hence the household division of labour is normally gendered and aged.

In addition to context-determined definitions of the 'home,' another important distinction in settings is that between rural and urban childhoods. 'Urban' childhoods, and especially those for girls, have been specifically targeted for attention within the Member States of the Council of Europe. For example, Parliamentary Assembly Recommendation 1532 (2001) 'A dynamic social policy for children and adolescents in towns and cities' seeks to address the problem of violence committed by and against young people in urban areas and draws attention to fact that statistically, children are more often victims than perpetrators of violence (UNICEF Innocenti Research Centre 2005: 10). Moreover, it highlights children at risk and notes that girls in this context are particularly vulnerable to early pregnancy and motherhood (UNICEF Innocenti Research Centre 2005: 10). No doubt there are also dimensions of 'rural' childhoods that pose particular threats to girls.

### **Going beyond 'settings': addressing violence at the structural level**

Although the Study adopted a settings-based approach to the topic, it is nevertheless recognised that what happens in places like the home and family reflects norms and practices that are embedded in wider social, economic and political structures. For example, the gendered and aged division of labour at household and wider societal level mirrors the patriarchal organisation of social and economic life (Pateman 1988). This is the case in most societies, both so-called 'modern' and 'traditional' ones. As mentioned in the UN's In-depth study on all forms of violence against women (2006), some forms of violence against women and girls are not

necessarily random, but rather are deeply rooted in unequal structural relationships between women and men (United Nations 2006: 13). These exist and are perpetuated in gendered socialisation practices that take place within the home and family. Hence, girls learn what it means to be a 'girl' and what it takes to become a 'woman' in their specific context. As a consequence, girls' social resources may put them at a specific disadvantage when they are faced with certain forms of violence. For example, in response to domestic violence, it has been shown that boys are more likely to run away and fight back (UNICEF Innocenti Research Centre 2005: 7). While more research would be needed to confirm this corollary, this finding could suggest that girls are more likely to remain in a violent household because they have been socialised to be more acquiescent.

The gendered values and practices taught within the home and family, including norms about femininity and masculinity, are often reinforced in the wider community, including in the media, in the private sector and at school. For example, in Council of Europe Parliamentary Assembly resolution 1555 (2002), concern is expressed that the representation of women in the media continues to perpetuate sexist and discriminatory messages of females that are associated with the domestic sphere or conversely as sex objects (UNICEF Innocenti Research Centre 2005: 11). Not only do many educational institutions and teaching methods reflect a "hidden curriculum" that endorses gender inequality and biases, but also physical and psychological punishment and violence are rife in many schools (Pinheiro 2006: 112).

While on the surface it may appear as a 'separate' institution, formal and informal religious and belief systems and traditions also affect interactions within and outside the household. For many, they create a sense of belonging and identity and give meaning to their lives. Moreover, they can often play protective roles, and may even help people deal with experience(s) of violence. Nevertheless, these systems comprise gendered rules of behaviour: children learn what it means to be a 'good' boy or girl. Similarly, parents also learn what it means to be a 'proper' parent. Adherence to societal values and practices is seen as critical to being a 'proper' and honourable member of one's family and community. Yet they may lead to actions that can appear to outsiders as violent. For example, the practice of female genital mutilation/cutting (FGM/C) can have severe and long-term adverse consequences on girls' lives and human rights (for example, their health and education). Nevertheless, it is a practice which is deeply embedded in social, economic and political structures. While some parents, other family members and girls themselves may recognise that it can cause serious and permanent harm, they nevertheless adhere to this practice because in their community it is considered "part of what they must do to raise a girl properly and prepare her for adulthood and marriage" (Donor Working Group (DWG) 2008). By not adhering to the tradition, worse consequences may result for the girl *and* her family. These include shame and social and economic exclusion, and the inability for uncircumcised daughters to get married (UNICEF Innocenti Research Centre 2005). Furthermore, in most practicing communities, economic customs and institutions are such that marriage is one of the only strategies parents have to ensure the long term financial security of their daughters and their families. Hence it may be seen as playing an important protective role.

FGM/C may also be an important rite of passage, marking the transition to adulthood (UNICEF Innocenti Research Centre 2005: 26). It is therefore embedded in notions about family honour, what it means to be a 'good' parent or daughter and belonging to a community (UNICEF Innocenti Research Centre 2005). The same may be said about girls' early marriage: in many settings being a 'good' daughter necessitates adhering to customs such as early marriage even if the girl herself is reluctant to go through with it. In settings of high levels of violence and/or poverty, early marriage may also be perceived as a protective mechanism (UNICEF Innocenti Research Centre 2001). For these types of practices, where social expectations represent a major obstacle to families who might otherwise abandon the practice, it is very difficult for one family to go against the social norm on its own. It is therefore necessary to collectively coordinate a shift so that a sufficiently large enough number

of families within a community abandon the practice (UNICEF Innocenti Research Centre 2005). Moreover, in these types of interventions, there is the important matter of having good knowledge and appreciation of all the dimensions of the issue, including the origins and history, and for approaching with respect the communities that engage in such practices. As Lansdown (2005: 11) writes, “The treatment of many children from minority communities reflects a pathologising of their cultures and communities, with a consequent pattern of ‘rescuing’ them in order to promote their optimum development.”

### A human rights-based approach to addressing violence against children

International and regional human rights laws, standards and mechanisms (including national human rights institutions) make explicit the rights and protections all human beings are entitled to, including where States are obligated to play a facilitating and protective role. States have also made evident their commitment to upholding human and children’s rights at various international and regional events where many have signed up to time-bound commitments and action plans, for example; The World Conference on Human Rights (1993), the UN General Assembly Special Session on Children (May 2002) and the World Congress III Against Sexual Exploitation of Children and Adolescents (November 2008),.

While most States have signed and ratified the UN CRC and its Optional Protocols and many other UN human rights conventions, fundamental gaps remain in regional and domestic implementation of these standards. Many of these gaps are regularly remarked upon by the members of the UN Treaty Bodies in their General Comments and during their review of Country implementation Reports. Nevertheless, there has been some progress, including in implementation. For example, some aspects of international human rights law have been translated into domestic legislation (albeit with limitations that will be touched upon in the following section). For example, at Article 21 of the African Charter on the Rights and Welfare of the Child (1999), States Parties are required to undertake the following:

Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory (Organization of African Unity 29 November 1999).

Furthermore, international standards are being used increasingly to inform judgments, conclusions and standard-setting in regional and domestic courts. For example, the European Court of Human Rights, the European Committee of Social Rights and the European Committee against Torture have drawn on the UN CRC in their rulings (UNICEF Innocenti Research Centre 2005: ix). This demonstrates the “potent value of having effective regional human rights mechanisms to pursue international standards alongside the United Nations human rights treaty bodies” (UNICEF Innocenti Research Centre 2005: ix).

Human rights standards do not only play a role at the State level, but also have proven to be of central importance in education and community discourse to prevent harmful practices and gender-based discrimination and violence against girls. Using the formal language of human rights can be perceived as alienating, judgmental and ultimately counter-productive, especially at the community level. However, by recognising that basic human values and aspirations are usually consistent with universal human rights, discussions among religious leaders, elders and villagers around sensitive topics such as FGM/C and child marriage can serve to bring out and overcome the inconsistencies between social practices and deeply felt human values. This can help lead to the abandonment of harmful practices and the promotion of other positive changes for girls and their communities (UNICEF Innocenti Research Centre 2005; LeJeune and Mackie in publication).

## The role of 'the State'

To prevent and address situations of violence against children, including girls, the State has primary responsibility for building a legal and policy framework and providing the support needed by families, schools and communities to fulfil their roles (United Nations 2006: xviii). Most States have signed and ratified the UN CRC. The CRC contains 54 articles, however there are four key articles that comprise the General Principles which are relevant for tackling violence against girls. These are as follows: the best interests of the child (Article 3); non-discrimination (Article 2); the right to life, survival and development (Article 6), and; respect for the views of the child (Article 12). Furthermore, under Article 4 of the CRC, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention" (UNICEF Innocenti Research Centre 2006: vii). These are as follows:

### General measures of implementation<sup>3</sup>

- The process of law reform calls on States Parties to enact legislation to address gaps and to ensure compatibility of existing and new legislation and judicial practice with the Convention;
- Independent national institutions for children's rights need to be developed – such as children's ombudsperson offices, child rights commissioners and focal points within national human rights institutions;
- Comprehensive national agendas or strategies for implementation of the Convention are needed; their relationship to the follow-up process to the World Summit for Children and the United Nations General Assembly Special Session on Children is important and they become equally instrumental for the protection of children from all forms of violence;
- Child rights-focused permanent institutions and structures within government are required to ensure coordination and pursue implementation;
- Allocation of resources to children "to the maximum extent of their availability" is key in States Parties' efforts to ensure progress in implementation;
- Systematic monitoring of the implementation of the CRC is needed through effective child-related data collection, analysis, evaluation and dissemination;
- Education, training and awareness-raising on children's rights need to be promoted;
- The involvement of civil society, including children, is critical if there is to be progress on implementation;
- International cooperation.

As the table above shows, laws and policies are only part of the solution, however and they must be used in concert with other strategies. For example, although criminalising legislation may send a powerful message about social conventions that are harmful and contrary to girls' human rights, they may prove ineffective and are unlikely to bring about a reduction or end to discrimination and violence. For example, in settings where child marriage or FGM/C is highly prevalent, only criminalising the practice would implicate everyone in the community, thereby making enforcement impossible. Alternatively, such an approach may cause further harm, because taking a legalistic approach in isolation could drive the practice underground.

States must also be more self-reflective about their roles in creating and perpetuating some cross-border forms of violence. For example, although some States may envisage trafficking in persons as a result of problems in origin settings, the issue cannot be examined nor addressed separately from issues around citizenship

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<sup>3</sup> Source: UNICEF Innocenti Research Centre (in publication). Handbook for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Florence, UNICEF IRC..

(Anderson and O'Connell Davidson 2005). As acknowledged in the Council of Europe's Parliamentary Assembly Resolution 1337 (2003), women's vulnerability to various forms of exploitation and abuse is increased through "repressive migration policies and the resulting illegal status of women in destination countries" (UNICEF Innocenti Research Centre 2005: 12).

Furthermore, some laws may intentionally or unintentionally perpetuate biases. For example, despite international and national efforts to remove gender-based discrimination from all aspects of life, these inequalities have often been institutionalised in laws and policies, and/or reinforced in their interpretation and implementation. Moreover, there still exists reluctance on the part of most states to intervene legislatively in the 'private' sphere of the home and family. While all Member States of the Council of Europe have banned corporal punishment in schools, a much smaller group has formally prohibited it in the family and other settings (UNICEF Innocenti Research Centre 2005: 13). For this reason, the Council of Europe has launched, in June 2008, a Europe-wide initiative against the corporal punishment of children. Indeed, the 'home' has tended to be treated as a special type of institution suspended from the rest of social and economic life.

This has implications for children. For example, work done within the household, especially by children, is seen as chores and as a necessary part of the socialisation and training required to become a functioning adult (Nieuwenhuys 1994). In many countries in the developing world, 'work' children do for the household and within the informal sector (which is disproportionately done by girls) is generally not counted, even though it may be just if not more arduous and hazardous than the activities they do in the 'formal' and public sphere of work (Boyden, Ling et al. 1998).

In addition, not only are secular laws and policies gendered (even if they are well hidden), but also so are religious laws. For example, while some religious personal laws give equal rights to men and women in some circumstances, in others, women are significantly disadvantaged compared to men (UNDP Bangladesh 1999). Children, especially girls, are in an even worse position because it is customary to see them as being rightfully under the authority of their parents, their fathers or older male guardians in particular until they reach the age of majority.

Not to detract from overall State accountability and responsibility for preventing and protecting violence, in settings (of which there are many) where States do not or are unable to function due to internal and/or external factors, the international community (for example, the UN system or regional bodies) are often seen as responsible for providing assistance and support to national governments in their efforts to promote the implementation of international standards and in their accountability for children's rights. There have been glaring gaps in protection, including to women and girls, however; efforts have been made to address them. This includes improving inter-agency coordination and ensuring all personnel adhere to strict ethical standards (for example, the Inter-Agency Standing Committee (IASC) which was established in 1992).

### **Chapter Three: Recommendations, Strategies and Solutions**

Having highlighted a number of key considerations that must be factored into discussions, in this next section, recommendations from the Study will be outlined which should be factored into all strategies and solutions to prevent and address violence against girls.

The 12 overarching recommendations pertain to all forms of violence, wherever they occur, They are primarily directed to State actors, in particular, to their legislative, administrative, judicial, policymaking, service delivery and institutional functions. However, recommendations are made to other actors which include parents and

children. These are summarised below (please refer to the report (United Nations 2006) for the complete account of all the recommendations):

- *Recommendation 1:* Develop and integrate “multi-faceted and systematic” frameworks which are time bound; integrated into national planning processes and that come under the leadership of a State agency having the mandate and resources to be effective;
- *Recommendation 2:* Prohibit all forms of violence in all settings, including all corporal punishment and harmful traditional practices;
- *Recommendation 3:* Prioritize prevention and attach priority to addressing the underlying causes of violence (including its structural elements);
- *Recommendation 4:* Transform attitudes and practices that condone or normalize violence against children, including gender-biased roles and discrimination, acceptance of corporal punishment and harmful traditional practices;
- *Recommendation 5:* Enhance the capacity of those who work with and for children. Ensure codes of conduct and clear standards of practice prohibit and reject all forms of violence;
- *Recommendation 6:* Ensure accessible, child-sensitive and universal health and social services and legal assistance;
- *Recommendation 7:* Actively engage with children and respect their views. This involves engaging with girls and boys;
- *Recommendation 8:* Mechanisms for children and others to report violence must be safe, known, confidential and accessible;
- *Recommendation 9:* Build confidence in the justice system and end impunity by bringing all perpetrators of violence against children to justice and ensure they are held accountable through appropriate proceedings and sanctions;
- *Recommendation 10:* Address the gender dimension of violence against children. States to ensure that programmes to counter and address violence are designed and implemented from a gender perspective, taking into account the different risks faced by girls and boys. States to promote and protect the human rights of women and girls and address all aspects of gender discrimination as part of violence prevention strategies;
- *Recommendation 11:* Improve data collection and information systems (disaggregated by variables that include sex, age, household characteristics and ethnicity) in order to identify vulnerable groups and to inform State policy and programming at all levels. This should also be used to monitor and evaluate the impacts of interventions to ensure they are achieving their goals and especially that they are not causing harm, and;
- *Recommendation 12:* Strengthen international commitment and conformity to international human rights standards and agreements (United Nations 2006: 25-28).

Specific to the home and family, the UN Expert outlines the additional recommendations to States:

- Support parents/carers to be more effective as child-rearers. Invest in health, education and social welfare services for disadvantaged groups;
- Target programmes for vulnerable families in difficult circumstances, and;
- Develop gender-sensitive parent education programmes focusing on non-violent forms of discipline and which take into account children's evolving capacities and the importance of respecting their views (United Nations 2006: 28).

Distilling from the above recommendations (both overarching and setting-specific), and building on recommendations from several recent reports and studies, it is argued that there are several key aspects to a multi-sectoral approach that are indispensable to all strategies to prevent and address violence against girls.

### **A Human Rights-Based Approach to Prevent and Respond to Violence against Girls**

Violence against girls is a violation of human rights. A human rights-based approach (of which child rights is an integral part) recognises the indivisibility and interdependence of human rights and offers the most appropriate means of preventing and addressing violence and its related dimensions (United Nations 2006). States have the primary legal and moral obligation and responsibility to prevent and respond to all forms of violence. However, as holders of rights, girls, as do all human beings, are entitled to participate in the processes and decisions that concern and affect their lives. As outlined in the Independent Expert's recommendations, this type of approach necessitates a solid understanding of the underlying structural and historical dimensions to violence and how they are manifest in social, economic and political life. Not only must the knowledge base be substantive, but also activities (for example, laws, policies, services, programmes and monitoring efforts) must be integrated, cross-sectoral, accountable and participatory. Importantly, a human rights approach requires that, "Whatever the action taken, the best interests of the child must always be the primary consideration" (Pinheiro 2006: 17).

Efforts must focus on prevention, have an effective and accountable national legal framework (including law enforcement), involve service provision (including social welfare, education and health) and include the participation (of civil society actors, including children). The dimensions of such an approach are thus multisectoral and multi-stakeholder. Endeavours do not stop at national borders, however. Rather, reflecting increasing global and regional interdependence brought about through trade, new technologies, migration, security issues, transnational crime and the environment (including climate change); there is an international dimension to a human rights-based approach. This is reflected in adoption and ratification of international and regional human rights instruments<sup>4</sup>, multi- and bilateral agreements on issues of common concern, in foreign policy matters, and also in the provision of development and humanitarian assistance.

A human rights-based approach will involve actions at multiple levels: at community and at national/international level. The General Principles and General Measures of the CRC will furthermore serve as a guide for the design and implementation of actions. According to the General Measures, adhering to this plan will require sufficient allocation of resources to enable implementation. For implementation to be ensured, effective

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<sup>4</sup> This involves taking appropriate legislative, administrative, and other measures for the implementation of the rights set out in the Convention. Concerning the UN CRC, this means implementation of Article 4, the General Measures.

structures and mechanisms must be in place. Gender-sensitivity will be considered in all actions. However, actions will be tailored to the setting in which violence takes place. As Lansdown (2005: 19) writes, “Global solutions that define strategies for addressing need without also addressing the context in which those needs arise are not necessarily helpful” (Lansdown 2005: 19). However, at the national and sub-national level, elements would likely involve the following:

### **Prevention**

- Knowledge of the context in which violence takes place (including social norms and traditional practices and the structural dimensions of male dominance over women) and its multi-faceted aspects;
- Address poverty, discrimination and vulnerability: socially and economically marginalised children may make life choices that put them at greater risk of violence;
- Address gaps in the knowledge base so that efforts are empirically informed, appropriately targeted and monitored to ensure they are achieving their intended results and are not doing further harm;
- Engage with the media to raise awareness, to help break down barriers to open discussion on ‘sensitive’ issues and for responsible reporting;
- Produce and disseminate child friendly (age specific and diversity sensitive) information about child rights and violence against girls, and involve girls and boys in the production of these materials and in preventive activities;
- Engage with the private sector to identify where it may play a role.

### **Legal reform and law enforcement**

- Approach legal reform as a process. Address it using a comprehensive approach where legislation includes aspects of prevention, the provision of services, protection, participation and criminalisation. Follow the General Measures of the CRC (*inter alia*, including awareness-raising, resource allocation, drafting and implementation of time-bound plans of action, and engagement of civil society and children) for its effective implementation;
- Ratify all relevant international instruments without any reservations and take steps to ensure that national laws are fully compliant with relevant international human rights standards. Address gaps in secular as well as religious or customary laws; and build the capacities of concerned officials at all levels to promote effective law enforcement;
- Ensure officials are held accountable and address corruption;
- Ensure that justice systems are child-friendly and accessible to children who may be victims, witnesses or offenders;
- Promote the development of independent children’s rights institutions (such as child ombudspersons) to monitor governments and other key stakeholders’ actions;
- Ensure that the UN Treaty Bodies and Special Procedures and regional human rights mechanisms continue to pay particular attention to combating all forms of violence against children, including violence against girls, within their respective mandates.

### **Capacities and service provision for improved protection and response**

- Prioritise prevention but ensure services for victims respect their dignity and human rights;
- Capacity-building of teachers, health workers, social workers, lawyers, police and others to detect and respond to violence effectively;

- Promote child friendly reporting mechanisms and ensure coordination between service providers (including professional bodies working for and with children) to prevent and respond to violence;
- In education, change teaching methodologies from regarding seeing children as passive recipients of information to active participants in their own learning processes. Address gender stereotyping in curricula and approaches to teaching (UNICEF Regional Office for South Asia 2001: 20);

### **Participation**

- Ensure children's meaningful participation. This necessitates taking steps to ensure children have the confidence and life skills required to contribute to the best of their abilities; adopt a non-discriminatory approach that ensures that all girls and boys (regardless of their class, gender, ability, language, ethnicity, sexual preference, religion, etc) have an equal opportunity to be involved; be committed to transparency, honesty and accountability in follow-up actions and responses (International Save the Children Alliance 2005: 7);
- Consult with children of all age groups, however; recognising that some violence is age specific it may be especially important to consult with girls and boys who are at certain phases in the life course. For example, girls in the early stages of puberty may be at the greatest risk of violence overall than girls in other age groups (UNICEF 2007: 76);
- Recognise children's evolving capacities and develop 'child- and adolescent' friendly materials and information;
- Widen the scope, quality and impact of children's participation through support for the formation, strengthening and networking of groups and forums led by them (Feinstein and O'Kane in publication: 67);
- Include boys and men as partners in efforts to address gender discrimination and dominant forms of masculinity and femininity (Save the Children Alliance 2005: 20);
- Allocate funds for initiatives led by children (Feinstein and O'Kane in publication: 68);
- Promote open and non-judgmental discussion and engagement on the issues (and their related antecedents) with *all* members of the community;
- Teach and sensitise adults (including parents and professionals working with children) on the value of children's participation (Feinstein and O'Kane in publication);

### **Monitoring and Evaluation**

- Ensure data (both quantitative and qualitative) collected at national and sub-national (including local) levels are disaggregated by a range of variables. Nationally aggregated statistics tend to mask the reality of girls within their communities (UN Commission on the Status of Women 27 February 2007: 4). This could hide important disparities and pockets of marginalisation and vulnerability;
- While quantitative data collection techniques may reach larger numbers and show broad trends, qualitative data is essential for better understanding why some communities, families and children are more vulnerable than others and to address root causes of violence against girls and children in general;
- Ensure children's ethical involvement in data collection efforts as well as in monitoring and evaluation of interventions;
- Develop indicators for monitoring purposes and to better track the impact of policies and progress over time;

- Evaluate the impact of interventions to identify where corrective steps are required, to identify good practices, for scaling up and for generating lessons learned (UNICEF 2007: 78);

In addition to the above-mentioned considerations, it should be noted that too much focus on child/adult distinctions may 'blind' policymakers/programmers to the fact that children are *also* affected by macro-level social and economic policies and development and foreign policy goals:

- Girls remain largely "invisible" in public policies and programmes (UN Commission on the Status of Women 27 February 2007: 1);
- Gender equality goals should cut across all policy areas, for example, in macro-economic planning and gender-sensitive budgets and audits (UN Commission on the Status of Women 27 February 2007: 2);
- The needs of the girl child must be considered in poverty reduction strategies and programmes (UN Commission on the Status of Women 26 February 2007: 5);
- Efforts to promote and protect human rights, including the rights of girls and women to be free from discrimination and violence may also be subsumed within foreign policy and development goals (Ministry of Foreign Affairs of the Netherlands November 2007).

## Chapter Four: Workshop Sub-Themes

### Introduction

In the following chapter, each of the eight conference sub-themes will be discussed. In each section, examples of good practices that have been identified to help address the particular form of violence will be shared. These case studies are drawn from a variety of sources, including the Study and documents and reports that fed into that report, and documentation compiled by the UNICEF Innocenti Research Centre. Of note, not all of the examples have been evaluated.

### See and Act

This workshop draws attention to the need for inter-sectoral cooperation at all levels for the effective prevention and response to violence against children and adolescents within the family and identification of the elements and priority actions to build adequate prevention and response mechanisms. Examples of several effective cooperation systems currently in place in several regions of the world will be presented and discussed. The key question to be considered is how to promote and improve cooperation between stakeholders and to provide effective support.

In the home and family setting, children experience all forms of physical and sexual violence, humiliation and other types of psychological violence and neglect (Pinheiro 2006: 50). Perpetrators of violence within the home involve parents and step-parents, guardians (alternate family carers), extended family, spouses (in the case of child marriage) and their in-laws (Pinheiro 2006: 51). All children in all regions of the world are at risk of physical violence in the home and family, however; the forms of violence to which a child will be exposed vary according to age, stage of development and, in some circumstances, gender (Pinheiro 2006: 50; UNICEF 2007). Some forms of discrimination and violence, for example; early and forced marriage, crimes committed in the name of honour, harmful traditional practices and son preference are specific to girls in certain parts of the world.

Data available vary by country/region, but are often unreliable as many types of violence go unreported or misreported. Moreover, not all forms of violence are prohibited by law or the laws are ineffective or not enforced. For example, as mentioned in the Introduction, corporal punishment is illegal in all settings, including the home, in only 23 countries (Source: [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)). Child marriage is banned in many countries (UNICEF 2007: 29), however; it persists in customary and statutory laws and often remains unenforced.

Inter-sectoral cooperation is essential to address the multi-faceted dimensions of violence. Prevention and response systems must work with multiple stakeholders at all levels from local to national. The principle of the 'Best Interests of the Child' must be paramount in these efforts, however; in practice this is a challenge. Nevertheless, there is a need to have:

Clearly defined mechanisms and procedures, including guidelines for decision-making, case management and minimum standards, help contribute to reliable and effective procedures to determine and implement a child's best interests. They need to be primary considerations for each individual child, taking into account his or her views (UNICEF Innocenti Research Centre 2008: 35).

During the workshop, case studies of several types of systems that are applying such an approach will be introduced and discussed.

From Nepal, the following inter-sectoral approach serves as a good practice. It has been summarised from a more comprehensive description of the project, including the origins, activities, monitoring and challenges see: (UNICEF Innocenti Research Centre 2008):

#### **Child Protection Mechanisms at the Community Level: an example from Nepal**

Para-legal committees have been formed in 23 districts of Nepal to address all forms of violence, abuse and exploitation of children and women. The emphasis is on prevention, early detection, case follow-up, conflict resolution and monitoring and reporting. The committees have become an integral part of Nepal's district protection system, linking members of vulnerable communities with support service providers, government agencies and district-level nongovernmental organisations. The committees' sensitisation programmes raise awareness about risks, human rights and support structures among children and women, and have helped communities become more attentive to trafficking and other forms of violence against children and women. The para-legal committees also challenge social norms, such as the acceptance of child marriage and domestic violence that put children at risk of exploitation and abuse, including trafficking.

Key achievements include greater confidence and awareness of children and women about their rights and where to go for help. The committees have furthermore sensitised communities to challenge discriminatory and harmful attitudes and traditions that may be behind violence against children and women, including child marriage and domestic violence. They are furthermore well-known for their effective investigations of reported abuses and, in so doing, have challenged the prevailing impunity with regards to violence and exploitation against women and children. In 2006, of 764 reported cases of abuse and exploitation in four districts of Nepal, almost 92 percent were solved by the Para-legal committee. The approach has proven successful because of the strong network and cooperation between actors at village, district and national level. Compatible mandates and the division of roles among the involved organisations have also helped ensure success. Linkages with teachers, elected officials and children's clubs also help create success.

A number of challenges persist, however. It has been reported that, initially, some committee members face pressure from their husbands or other men in the community for undertaking untraditional gender roles. At times, the work is limited by gaps in national legislation on the rights of children and women. The provision of on-going capacity-building and support for the committees is a challenge, especially in isolated and hard-to-reach districts. Overall, children and youth participation in the committees remain low, and more child-friendly material and information is required. Male involvement in prevention actions has been weak and there is a need for a more active role of men and boys in reducing violence. Domestic violence is a common form of violence where more action is required to address it. Membership of the Para-legal committees may favour higher-caste women and exclude Dalits (members of the lowest caste). Linkages with agencies that provide livelihoods support are required to help address poverty, which is a root cause of exploitation and that may also increase vulnerability of some children and women to harm. Although case records are maintained, further systematisation is required to create a database for better follow-up and monitoring.

**Extracted from:** (UNICEF 2008; UNICEF Innocenti Research Centre 2008: 6-11)

With respect to measures to address corporal punishment, including within the home, the following example comes from Romania:

#### **Preventing and Addressing Corporal Punishment in the Home: a case study from Romania**

In 2003, Save the Children Romania started campaigning for the prohibition of all corporal punishment in the home. First, it surveyed 1,200 children between 8 and 13 years old to find out the extent of the problem. According to the findings, girls and boys reported that the most common used method of “education” in families was corporal punishment. Three quarters of the children considered that authorities should punish adults who hit children and 82 percent considered that corporal punishment should be prohibited by law.

A campaign was subsequently launched. Its message, “Beating is not from heaven,” derived from a well-known Romanian proverb which suggests that beating is from heaven. The aim of the campaign was to achieve legislative prohibition of corporal punishment and to change attitudes to accept non-violent child-rearing. Actions also included preparing and disseminating two brochures for parents: “Understand your child” and “Promoting positive discipline – it is possible without hitting.” Training sessions were also organised.

A campaign brochure “For the ones who still believe that beating is from heaven” was distributed to Members of Parliament, government departments, local authorities, UN agencies, NGOs and INGOs. There was also intensive letter-writing, a round table in Parliament, street campaigns, media campaigns including advertising and posters.

In August 2004, a new Law on the Protection and Promotion of the Rights of the Child was adopted. Article 28 states: “The child has the right to be shown respect for his or her personality and individuality and may not be made subject to physical punishments or to other humiliating or degrading treatment ...”

**Excerpted from:** (The International Save the Children Alliance 2005: 35).

*From the perspective of legislation, some good practices from Latin America that show a holistic approach to violence and which seek to assure children's best interests when they come into contact with the law are shared below:*

#### **Children in contact with the law and ensuring their best interests: an example from Ecuador**

Obligatory reporting of child abuse is established in most recent Latin American criminal codes. The rights of the victim are generally protected by provisions that allow testimony obtained during the investigation to be admitted as evidence at trial, in order to avoid the trauma of repeated interrogation. For example, the code of Ecuador expressly forbids submitting a child victim of any form of abuse to the same medical examination more than once, unless re-examination is necessary for the victim's treatment and recovery. Many codes adopt a balanced approach that includes prevention, temporary protective measures, the rehabilitation of victims and offenders (especially family members) and penal sanctions. Most Latin American countries have also adopted legislation concerning domestic violence during the last decade. This trend has been encouraged by the adoption in 1994 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, which has been ratified by most countries of the region.

**Excerpted from:** (UNICEF Innocenti Research Centre 2007: 67)

#### **Helping Parents**

As raised in the Study, in most parts of the world, the institution of the family is changing in response to social and economic pressures. For example, the pace of urbanisation is altering living patterns and livelihoods, all of which can cause stress on family members. In addition, where income gaps have widened or where there has been rapid social change, levels of interpersonal violence have tended to rise and this often has adverse impacts on children (Pinheiro 2006: 50). For example, it has been found that the risk of fatal maltreatment for children varies according to the income level of a country and region of the world:

For children under five years of age living in high income countries the death rate from maltreatment is estimated at 2.2 per 100,000 for boys and 1.8 per 100,000 for girls. In low to middle income countries the rates are two to three times higher (6.1 per 100,000 for boys and 5.1 per 100,000 for girls). The highest homicide rates for children under five years are found in Africa – 17.9 per 100,000 for boys and 12.7 per 100,000 for girls. Many child deaths however are not routinely investigated and there is general agreement that fatalities from child maltreatment are far more frequent than official records suggest in every country (UNICEF Innocenti Research Centre 2003: 22).

There is furthermore evidence to suggest that in some countries and regions, girls may be at greater risk of maltreatment and violence: gender ratios, especially in East and South Asia, indicate the murder of baby girls in numbers that far exceed those classified as intentional injury in official mortality statistics (UNICEF Innocenti Research Centre 2003: 22).

In many parts of the world, transitions from childhood to adulthood are being eroded, in large part as a consequence of globalisation (Lansdown 2005). While childhood is a dynamic construct so that change in this institution is expected, the nature and pace of the changes taking place now are unprecedented and, "The world in which many young people are growing up is unrecognisable to their parents..." (Lansdown 2005). Parents

need support to manage these changes which may create more stress and put their children at greater risk of abuse, neglect or violence.

Parents and families who are unable to take care of their children may place them in institutional care, or resort to fostering or adoption. While in some cases this may be in the child's best interests, if not properly regulated and controlled, it may pose serious risks to the rights of children. For example, in Central and Eastern Europe in the 1990s, intercountry adoption became very popular. While the practice had been to adopt children from institutions, the practice quickly changed to the procurement of girls and boys directly from their biological parents in exchange for consumer goods or money (UNICEF Innocenti Research Centre June 1997: 16). HIV/AIDS presents another change to the family institution. Evidence shows significant increase in the rate of child abandonment in some AIDS-affected communities. Abandonment may be motivated by poverty, fear and inability of parents to should the responsibility for raising a child. Fostering or adoption may be viable alternatives, however; monitoring is required to ensure these practices do not expose children to abuse or violence (UNICEF Innocenti Research Centre 2006: 16).

During Regional Consultations for the Study held with children, corporal punishment at the hands of parents and teachers was frequently raised by children as a matter of concern (Save the Children 2005 ). Girls and boys frequently called for alternative methods of discipline that do not involve physical or verbal abuse, including "being offered a proper explanation for what they had done wrong"(Pinheiro 2006: 53). Although children from all socio-economic classes are at risk of violence committed at the hands of their parents or caregivers, studies from a variety of settings show that "low parental education levels, lack of income, and household overcrowding increase the risk of physical and psychological violence against children" (Pinheiro 2006: 68). Among some OECD nations, teenage pregnancy is associated with a number of problems for both mothers and their children in particular (UNICEF 2007: 31). Young mothers are more likely to drop out of school which may bring about socio-economic hardship that will have impacts on their children as well. Young parents may need extra support and help to cope with these profound transitions and responsibilities to meet their own needs as well as those of their children. At the State level, there is furthermore an important need to promote 'family-friendly' policies that promote gender equality in the workplace (to ensure the equal treatment of men and women in recruitment and access to work, remuneration and advancement based on merit) and gender equity (which refers to the division of labour within the household in child-rearing and domestic tasks) (Bennett 2008: 26).

In this workshop, several parenting programmes that have proved effective in reducing violence against children, including ones that address the gender dimension of discrimination and violence will be shared and discussed. Key themes for discussion include identification of the necessary elements within these interventions that are effective across a range of socio-cultural settings and the preconditions for effective implementation. A number of good practices have been documented in the Violence Study (see for example (Pinheiro 2006: 76-80). Below, however, several examples of good practices are shared:

#### **Example from Sweden: a triple approach to the new child-rearing challenge**

Over the last decades, Sweden has generated a policy approach that attempts to reconcile economic efficiency, equity for women and the best interests of the child. The country provides 480 days of paid parental leave to each family, pooled as follows: a 360-days (16 months) family leave period that can be shared by the parents and linked to employment status. In addition, a further 60 days (12 weeks) is allocated to each parent – a mother's quota and a father's quota. The policy seems to protect gender equality, family well-being and the best interests of the child. Costs to public budgets incurred by the parental leave measures are mostly recuperated through taxes on women's labour and can be further reduced by

employment insurance and employer contributions, which in many countries provide a supplement to low, flat-rate benefits.

The second strategy is to finance a national, universal preschool system that offers affordable and quality places to all children from the age of 1 year. The entitlement to childcare in a publicly supported, early childhood service seems to be a critical element in parental leave policy that adds considerably to the security of families and the development of young children. The system is expensive but it is effective economically in that Sweden has over 76 per cent (2005) of women in employment, 80 per cent of whom are in full-time jobs.

This ratio compares favourably with the approximately 60 per cent female employment levels in the more conservative European countries (excepting Portugal), where, in addition, many women work part-time. To have a further 10 per cent to 15 per cent of the working population actually in work is good for gender equality, taxation revenues and family budgets.

A third strategy employed in Sweden is to ensure that as many women as possible have access to full-time work. This has become harder to achieve in recent years as Swedish labour laws have had to adjust to competition from countries with more flexible labour markets. However, the main policy lines with regard to the employment of women are still perceptible: a preference for the creation of full-time jobs rather than unprotected part-time labour; and also, the enhancement of sectors in which women traditionally work, notably in administration, education and care work. For example, in the Swedish early childhood care and education sector, there has been a conspicuous upskilling of jobs over the last decade: just over 50 per cent of personnel working in services have a three-and-a-half year university degree, and the other 50 per cent have upper secondary qualifications. Work conditions, salaries, professional education and career opportunities in the sector remain good. Gender equality is pursued actively across society, and although wage differentials still exist between men and women, the situation of women in Sweden rates first among all countries.

**Excerpt from:** (Bennett 2008: 39).

In the following example, a case study from India has been shared:

#### **India's Integrated Child Development Services**

Comprehensive support for the poorest families has had a positive, and in some cases unintended, effect on nourishment and health of young girls. India's Integrated Child Development Services, the world's largest integrated early-childhood programme, focuses on millions of expectant and nursing mothers and children under the age of six. The programme provides a package of services including supplementary nutrition, preschool education, immunisation, health checkups, referral services and nutrition and health education. There is emerging evidence of its positive impact on the nutritional status of children who benefit from the programme.

**Taken from:** (UNICEF 2007: 26).

India's Integrated Child Development Services (ICDS) is designed to promote the holistic development of young children, especially among disadvantaged and low income groups, through the strengthened capacity of mothers and communities, and improved access to basic services at the community level (The Mother and Child 2009). Although the programme is primarily geared to address the health and nutrition needs of children under six years old, there is convergence with other programmes and services, for example, links with formal education, the provision of and knowledge about sanitation and safe drinking water, and women's empowerment programmes. India's Integrated Child Development Services also serves several critical

protection needs. Service providers have an opportunity to identify at-risk mothers (for example, due to early marriage and pregnancy and expectant mothers experiencing domestic violence). They may also detect and have an opportunity to raise awareness of gender-based discrimination, including son preference, and abuse and neglect of children.

To serve as a more complete child protection system, effective referral systems are needed between programmes such as India's Integrated Child Development Services and other community and district-based services to prevent and address violence. Evoking the strengths of the Para-legal committees in Nepal (discussed in the previous section), linkages could be established with the wider community to help address, *inter alia*, some of the underlying and structural aspects of violence, in particular, constructs of masculinity that may tolerate violence and discrimination against girls and women. Although the nature and delivery of services for children above six years old and their parents will be necessarily different, they require knowledge and empowerment to address their critical and specific needs. Recognising the evolving capacities of the child, it would be anticipated that such interventions would provide opportunities for girls' and boys' effective participation. As ICDS is targeted at expectant women, mothers and young children, there is the missing element of fathers. As suggested in the Study, "Parenting programmes should strive to strengthen the skills of both mothers *and fathers [my emphasis]*" (Pinheiro 2006: 78). The following example, taken from the Study shows one regional effort to address gender-based discrimination and violence through programmes aimed at fathers and potential fathers.

#### **Fathering: good practices from South and Central Asia**

Since 2003, Save the Children Sweden in South and Central Asia has included working with men and boys in a number of creative ways to address constructs of masculinity that condone violence against women and children. Recognising that these attitudes and actions are learned through socialisation that starts from early childhood, initiatives are being undertaken to challenge dominant paradigms and to construct alternative male role models that promote gender equity and which encourage fathers to become more involved in the care of their children. This is important because it has been shown that men's active and non-violent participation in the care of their sons and daughters is good for children and women. Children have better health and developmental outcomes and women's domestic burden is eased as men take on a more equitable share of household tasks. Moreover, fathers who report positive connections to their children have fewer mental health problems and are less likely to use substances or be involved in criminal activity.

Using documentaries and short films, workshops have been conducted in several South Asian countries with adolescent boys and young men to show and stimulate discussions about masculinity. Life skill manuals have furthermore been developed for boys that include modules on 'preparing for fatherhood.'

Moreover, the issue of masculinity has resulted in self-reflection and debate within a number of organisations to identify what they can do to address these important and underlying dimensions of gender-based discrimination and violence. It is recognised that doing so requires strategies that involve boys and men as partners and which are constructive and that do not only just focus on negative behaviours. Networks of organisations that work with boys and young men have been established. Furthermore, partnerships have been forged with the White Ribbon Campaign, which is an effort among men to reject violence against women which exists in 47 countries in the world. Yet efforts must also take place at other levels, and require further research, advocacy, capacity building and policy formulation.

**Source:** (Pinheiro 2006: 80; Save the Children, UNIFEM et al. 2006).

The following provides several examples from Central America:

**Positive Parenting Practices through Advocacy and Capacity-Building: examples from Mexico and Nicaragua**

Several organisations in Mexico and Central America have launched awareness-raising campaigns with a positive message, i.e. 'Education with Tenderness', aimed at promoting a relationship based on affection, equity and respect toward children rather than emphasising acts of violence. A media campaign has been promoted in Mexico using the slogan 'It is better to love them'. This campaign aims at eradicating all forms of violence in child-raising. The same TV spots have been used in Nicaragua, where the campaign has been kept on the radio.

A regional workshop was held in Nicaragua in 2003 with members of Save the Children technical teams and key actors in civil society and the state. These workshops gave increasing visibility to the specific problem of corporal punishment and helped the various organisations involved to start recognising that it is a particular form of child maltreatment.

In Nicaragua, the Ministry of Education sponsors 'schools for parents' at 40 schools. These have addressed the issue of punishment as part of child-raising practices that need to be changed. Moreover, the Ministry of Education has provided training on the importance of eliminating the use of violent methods of education (i.e. striking students with rulers) for school principals and teachers. The Ministry incorporated this issue as a result of its participation in the second regional workshop on the subject for Save the Children Norway's partners.

**Excerpted from:** (The International Save the Children Alliance 2005: 29).

**Outcomes of the World Congress III**

This workshop will build on several themes<sup>5</sup> discussed during the III World Congress against Sexual Exploitation of Children and Adolescents (2008), in particular, the internet as a means of on-line abuse and as a means for awareness-raising and preventing violence. The types of threats to children posed by this form of technology are changing, however they include; exposure to violent imagery through video and online games; the production, distribution and use of materials depicting sexual violence, in particular, sexual abuse and child abuse images, and; online solicitation (also known as 'grooming') (Pinheiro 2006: 315). As shared during a recent conference (held in Stockholm, February 2009), many preventative programmes are in place in Europe, however; few evaluations have been conducted to measure their impact. Attention was drawn to the need for more research on how new technologies facilitate sexual exploitation in the travel and tourism industries and the link to child trafficking. Also raised was the need to address the normalisation of sexual harm through the media, in particular; in advertising, fashion, entertainment and videogames which may show prostitution and pornography as normal, positive and desirable (Allmanna Barnahuset, BUP- Elefanten Linköping et al. 12-13 February 2009).

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<sup>5</sup> The five conference themes were as follows: forms of commercial sexual exploitation and its new scenarios; legal framework and accountability; integrated cross-sector policies; initiatives of social responsibility; and strategies for international cooperation.

As raised in the Study, there is a need for agreements within and between countries on definitions, laws and perceptions of what is acceptable regarding internet and communication technologies and their content (Pineiro 2006: 315). Due to socio-cultural differences, some countries are more permissive of sexualized images of children within mainstream media or permit publication of images of abuse (Pineiro 2006: 315). At the time the Study was published, data was scant, albeit growing. A recent ECPAT (2008) report on online child sexual abuse notes the following:

Since 2001, the number of Internet users worldwide has increased by 205 per cent, from 479 million in June 2001 to 1463 million in June 2008: this same period has seen an increase in global coverage from 7.9 per cent of the world's population to 21.9 per cent. The number of web pages has likewise increased by 403 per cent, from c.35 million in October 2001 to c.176 million in July 2008, and this number continues to grow by 3.14 million sites per month (Baines 2008: 5).

Highlighted in the Violence Study was the need for better knowledge about the issue, more emphasis on prevention (and in this a greater role for the private sector), and for strong international and national standards and better cross-border cooperation in their implementation (Pineiro 2006: 315). Moreover, during the recent World Congress III, emphasis was placed on the need for empowering children and young people to use the internet in a safe way, and in their involvement in developing and implementing preventive measures (Save the Children Alliance 2009). In the Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), under a specific action for 'child pornography and child abuse images,' a series of recommendations were made to address violence committed across and through the internet (these are included in Appendix B (Conference participants 2008)).

In this workshop, information about the phenomenon and various initiatives to address this form of violence will be discussed. In the following case study, a synopsis of the law enforcement response as experienced by members of the Virtual Global Taskforce (VGT) will be presented.

#### **The Virtual Global Taskforce**

The VGT was established in 2003 and it is composed of specialist law enforcement agencies<sup>6</sup> from around the world who work together to fight online child abuse. Through partnership and collaboration, the VGT seeks to make the Internet a safer place for children and young people; to identify, locate and help children and young people at risk; and to hold perpetrators to account.

**Key achievements:** Through VGT efforts, law enforcement agencies have successfully facilitated cross-jurisdictional investigations and information sharing. Of note, this is identified as being the result of efforts at the *practitioner* level rather than as a result of multilateral agreements or cooperation between governments. Successful investigation and crime prevention have furthermore been achieved through multi-stakeholder partnerships that involve the private sector, NGOs, education specialists and others, including children. Providing cross-sharing of knowledge, VGT members share their resources and expertise with law enforcement agencies in developing countries, particularly those in which there are links between child prostitution and the production of images of child sexual abuse.

<sup>6</sup> Its current membership comprises: UK Child Exploitation and Online Protection (CEOP) Centre; Interpol; Australian Federal Police High Tech Crime Centre (AHTCC); Royal Canadian Mounted Police National Child Exploitation Coordination Centre (NCECC); US Department for Homeland Security Immigration and Customs Enforcement (ICE), and; Italian Postal and Communications Police

Collaboration through the VGT has facilitated the implementation of innovative initiatives to prevent online abuse. For example, Operation Pin is a deterrent operation that targets casual or opportunist offenders seeking to access child abuse image websites.

Concerning prevention, the VGT website (launched in January 2005), provides information and support to adults and children on how to stay safe online. In addition, VGT member agencies have been able to pool their resources to provide response to reports of abuse via the 'Report Abuse' function at [www.virtualglobaltaskforce.com](http://www.virtualglobaltaskforce.com). Reports are automatically forwarded to the appropriate country of jurisdiction, (for example, to [www.ceop.gov.uk](http://www.ceop.gov.uk) in the UK and [www.cybertip.ca](http://www.cybertip.ca) in Canada).

With regards to children and young person's participation in efforts to shape the Internet and online environments, in July 2008 the first International Youth Advisory Congress was held. This was led by one of the members of the VGT, the Child Exploitation and Online Protection Centre (CEOP), and it was supported by the VGT more broadly and several corporations were involved. Young people met and engaged with those responsible for Internet safety and security (including representatives from government, industry, law enforcement and the media).

**Challenges:** Child sexual exploitation is not a priority in many jurisdictions, especially when it competes for attention with street violence, gang activity, and drug trafficking. This is despite significant public interest in child protection, and media attention afforded to this type of criminality. The failure to include online child sexual abuse in government policing plans results in a lack of prioritisation and resourcing at both national and local levels.

The absence of equivalent legislation in all jurisdictions against the online sexual abuse of children can impede investigations both at home and abroad. Furthermore, while criminalisation of these activities is essential, adequate provision must be made to ensure successful investigative outcomes. Legislative provision must also be dynamic to respond to changes in abusive behaviours and the environments for abuse.

As follow-up to the World Congress II in Yokohama (2001), several countries have established specialist centres for the investigation of online child sexual abuse. However, even the best resourced centres cannot keep up with the pace of expansion of publicly available Internet technologies. While awareness of the seriousness of online child sexual abuse is improving, the failure at government level to designate the investigation of such criminal activity as a policing priority results in the under-resourcing of local investigative capability. Furthermore, while such centres provide national coordination of intelligence, and are the focal points for international collaboration and technical resources such as forensic analysis and covert Internet investigation, the majority of investigations and arrests still fall to local territorial police forces since the national centres are not sufficiently resourced to assume responsibility for all such crimes committed within a jurisdiction. To meet the demands of such investigations, local law enforcement agencies must be enabled to provide dedicated child abuse investigation units, staffed by officers with child protection and other specialist training, and sufficiently resourced to investigate online

child sexual abuse, be this the production and distribution of child abuse material, online solicitation of children and young people for sexual purposes, resulting offline contact sexual abuse, or other related forms of exploitation. National centres must be afforded sufficient capacity to provide specialist support (for example, covert online investigators) to these local units when required. Concerning the private sector, Internet and Online Service Providers can do more to produce transparent child protection strategies. They can also be more accountable by providing a mechanism for reporting directly to law enforcement from the online environment in which the sexual abuse of children is experienced or detected.

**Taken from:** (Baines 2008).

## The Girl Child: witness and victim of domestic violence

No one factor accounts for domestic violence. Both boys and girls are affected both directly and indirectly as victims and as witnesses. However, girls' and women's traditionally unequal access to economic and political resources and power underpins their vulnerability to violence and difficulty of getting out of such situations (UNICEF Innocenti Research Centre 2000: 7). As domestic violence cuts across many sectors, integrated and comprehensive frameworks are needed to address all the interrelated factors (UNICEF Innocenti Research Centre 2000: 13).

To ensure that children who come into contact with the justice system (as witnesses or victims of violence) are protected and treated fairly, and recognising that many aspects of these procedures and mechanisms are not child-friendly, the UN Economic and Social Council Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime were designed. They include recommendations for police, lawyers, social workers and other persons to ensure that children are treated in a caring and sensitive manner and that gender is taken into consideration so that the different needs of girls and boys are respected (United Nations Economic and Social Council 22 July 2005 ). The guidelines also make provision for recovery and reintegration services that serve children's best interests.

Partnerships are furthermore required with different stakeholders. For example; at the level of family; in the community (including with traditional elders, religious leaders, community groups and men's groups); within civil society (such as; professional organisations, NGOs and the media), and; at the level of State (partnerships are required between multiple sectors, including criminal justice and health care and education). Furthermore, at the international level, for example, the UN, World Bank, regional development banks, INGOs and bilateral development partners, all play a role (UNICEF Innocenti Research Centre 2000: 14).

In this workshop focus will be on prevention. It is proposed that efforts be directed at girls *and* boys. Moreover, education of the girl child, particularly if it builds life and livelihood skills, is seen as important in efforts to reduce domestic violence.

As explored under the section 'See and Act,' community-based interventions such as the Para-legal committees in Nepal may prove effective in preventing and addressing all forms of violence, including domestic violence. One identified weakness with them however; has been the lack of participation of children. In the following case study, an intervention is provided of an effort that involved children in active engagement with policy makers and that led to a number of positive outcomes, including in addressing domestic violence.

### **The Children's Council, Hong Kong**

In 2003, the first Children's Council of Hong Kong was established with the sponsorship of the Home Affairs Bureau of the Hong Kong Special Administrative Region of China. The Children's Council was set up as an annual forum for children to participate in public discussion and decisionmaking on issues that affected them. During its third meeting in June 2005, a group of participants decided to work to end domestic violence and to protect children from its adverse effects. With guidance and support from a mentor from the Co-ordinating Committee<sup>7</sup>, the group conducted a survey to collect views from other children and interviewed relevant parties

<sup>7</sup> The Co-ordinating Committee was established in 2000. It comprises representatives of three child-focused NGOs in Hong Kong: Against Child Abuse, the Hong Kong Committee for UNICEF and the Hong Kong Committee on Children's Rights.

including 'Against Child Abuse' and the Family and Child Protective Services Unit of the Social Welfare Department. The survey showed that over half of primary and secondary school pupils had been hit by adults using their hands or hard objects. In addition, 35 per cent of primary school pupils reported having witnessed domestic violence.

In the motion they presented to the Children's Council meeting in November 2005, the group highlighted the effects of domestic violence on children, the current extent of the problem in Hong Kong and the existing government measures and their defects. They made the following recommendations:

- \*Mandatory parent education;
- \*Provision of funding for a children's hotline. Hotline counsellors needed to be trained professionals, social workers, or volunteers who received specific training on domestic violence;
- \*Production of documentary TV programmes;
- \*Involvement of children in relevant committees;
- \*Child representatives should be invited to join the Working Group on Combating Violence and the Committee on Child Abuse, so that their voices could be heard;
- \*Strengthening the information provided in schools;
- \*Review and assessment of current public education efforts;
- \*Amendment of the Domestic Violence Ordinance, and;
- \*Promotion of training in and awareness of domestic violence for the police force.

Two legislative councillors, a government official from the Social Welfare Department, a representative of the police force and an academic concerned with child abuse and domestic violence were present at this motion debate and the Questions & Answers session. They listened to the views of the group, contributed their opinions, and responded to the questions raised by the Child Councillors. The Children's Council approved the group's recommendations.

The group's motion paper on domestic violence is to be published and disseminated to secondary schools, non-governmental organisations, government officials, legislative councillors and public libraries in Hong Kong as well as actors overseas who work for children's rights. In addition, the Co-ordinating Committee was expected to meet with the Children's Council Working Committee to discuss strategies for following up on the recommendations.

**Excerpted from:** (Save the Children 2005: 33-35).

The following is an example of approaching legislation from the perspective of ensuring children's best interests are served, including when girls and boys come into contact with the law as victims or as witnesses of violence:

#### **Legislation and Child-Friendly Court Proceedings: an example from Goa (India)**

The objective of the Committee is to increase public awareness of the UN CRC in Hong Kong and to promote children's rights.

The Goa Children's Act, 2003 is a comprehensive piece of legislation intended to promote and protect the rights of children in the Indian state of Goa and it makes specific references to the CRC in its provisions. (see: <http://goagovt.nic.in/documents/goachildact2003.pdf>) The Act outlines a range of services intended to promote children's full development and protection, including education, health and nutrition. The act furthermore prohibits child exploitation and abuse and has a comprehensive focus, particularly on commercial sexual exploitation. It makes explicit the responsibility of owners and managers of hotels or other establishments for the safety of a child on their premises as well as at adjoining beaches and parks. The law furthermore prohibits the harmful traditional practice of dedication of a girl child as a *devadasi* (a girl 'married' to a God). Photographic studios are required to inform the police if they receive sexual or obscene photographs of children to be developed or printed, and failure to report such actions is punishable with fines. With specific reference to the justice system, it proposes establishment of a Children's Court to try all offences against children, whether or not they fall under the purview of the Act. This would enable children to give evidence in a child-friendly space without having to face their perpetrators. The principles emphasise the best interests of the child, including respect for the child's privacy, ensuring sensitive interaction during questioning, and encouraging and respecting the child's views. Guidelines also include provision for trials in camera, avoiding delays and providing all possible information and preparation to make the process as unthreatening as possible.

**From:** <http://goagovt.nic.in/documents/goachildact2003.pdf> and (UNICEF Innocenti Research Centre 2008: 12).

The following example from Bangladesh shows one effort to address inadequacies in the implementation of laws:

#### **Addressing Delayed Justice for Deterring Violence: an example from Bangladesh**

Women in Bangladesh are subject to various forms of gender-based violence. Acid-based violence is a particularly vicious form. The common practice is for acid to be thrown in people's faces. The overwhelming majority of victims are women and nearly half are below 18 years of age. The victims are attacked for many reasons. For example, if a young girl or women has spurned the sexual advances of a male or either she or her parents have rejected a marriage proposal. Recently, however, there have been acid attacks on young children, older women and also on men. These attacks are often the result of family or land disputes, dowry demands or a desire for revenge.

The Acid Survivors Foundation (ASF) is an NGO in Bangladesh that works for and with acid burn victims. Among its programmes, ASF has been working with law enforcement agencies and Public Prosecutors for effective implementation of laws against acid violence as it is surmised that possible attackers will be deterred if speedy trials are ensured and perpetrators are punished. Since 2003, the average time for completion of a case in district court has been reduced to one year on an average from three to four years. However, it is estimated that only 10% of the attackers are convicted by the District Court. To address this concern, ASF organised a dialogue session with the Honorable Justice, Supreme Court of Bangladesh and Advocates to discuss what steps could be taken to address the sizeable backlog of pending cases. Problems were identified and strategies and solutions were discussed to ensure better management for more effective and efficient dispensation of cases.

**Source:** (Acid Survivors Foundation (ASF) 08 July 2006)

## Power of the Community

Female Genital Mutilation/Cutting (FGM/C) affects three million girls on the African continent (Egypt, Sudan and sub-Saharan Africa) each year (UNICEF Innocenti Research Centre 2005). Girls in some countries in Asia and the Middle East are also affected. With growing migration, some girls have undergone the practice or may be at risk in Australia, Europe and North America (Donor Working Group (DWG) 2008). In parts of North and Eastern Africa, over 90% of girls undergo this operation, usually around the age of 7 (Pinheiro 2006: 47). This problem has not, however, gone unnoticed. A number of regional human rights standards have made explicit the need to end harmful practices such as FGM/C. For example, The Protocol to the 1981 African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), at Article 5, explicitly prohibits and condemns FGM/C and other harmful practices (UNICEF Innocenti Research Centre 2005: 30). Resolution 1247 of the Parliamentary Assembly of the Council of Europe (2001) on Female Genital Mutilation urges governments to take a variety of actions to combat FGM/C (UNICEF Innocenti Research Centre 2005: 30). The issue has furthermore been raised at major international conferences. For example, the Cairo Declaration, which resulted from the Afro-Arab Expert Consultation on Legal Tools for the Prevention of Female Genital Mutilation, makes concrete recommendations to address and stop the practice (UNICEF Innocenti Research Centre 2005: 30).

External evaluations of community-based projects in parts of Senegal, Egypt and Burkina Faso show positive results in reducing the incidence (UNICEF Innocenti Research Centre 2005: 29-34). A multi-faceted approach has proved most successful. Where FGM/C is associated with initiation rites, some organisations have supported the development of alternative rites of passage that pressure the positive aspects of the ritual while doing away with FGM/C. The impact has, however, been mixed, and girls may still undergo FGM/C at a later date (UNICEF Innocenti Research Centre 2005: 26). Some projects combine education about the hazards of FGM/C with skill training and finding alternative employment for those who perform FGM/C (UNICEF Innocenti Research Centre 2005: 26). This does not, however, address the social convention that creates the demand so has not been successful in bringing about an end to the practice.

In this workshop, focus is drawn to the strengthening of community-led cooperation between Europe and countries of origin with regard to an abandonment of FGM/C. Key questions that will be considered include:

- How to mobilize practicing communities in Europe?
- What lessons can be learned from community-led initiatives in Africa?
- What adaptations are required in a European or other international context?

Based on documented good practices and lessons learned, the following approach and its elements are recommended:

### **A 'Common Programmatic Approach' to addressing FGM/C**

Given how deeply entrenched this practice is, programmes that have led to the abandonment of FGM/C have been "systemic and have stimulated and supported large-scale social transformation where overcoming gender roles and stereotypes and empowering women and girls was of fundamental importance" (Donor Working Group (DWG) 2008). The following elements comprise the common approach:

\*Take a non-coercive and non-judgmental approach;

\*Build awareness of the harm caused by the practice and involve entire communities;

- \*A collective choice is made of a group that intermarries or is closely connected in other ways to abandon the practice;
- \*An explicit, public affirmation is made on the part of the community to abandon FGM/C;
- \*There is a process of organised diffusion to ensure that the decision to abandon FGM/C spreads rapidly to other communities and is sustained;
- \*There is commitment from government and at other levels to enable and support change;
- \*Engage with traditional, religious, and government leaders and parliamentarians;
- \*Dialogue with local and national media is stimulated;
- \*Policies and legislation are promoted, revised and reformed;

As a result of this approach, some of the structural dimensions of gender-based violence begin to be addressed. They may furthermore lead to a decrease in the incidence of child marriage and in domestic violence, and raise the enrolment rate of girls.

**Source:** (UNICEF Innocenti Research Centre 2005; Pinheiro 2006; Donor Working Group (DWG) 2008)

### You have the Right to Choose: Combating Early and/or Forced Marriage

Girls are mostly affected by early and/or forced marriage. However; boys too may be forced into early marriages (UNICEF Innocenti Research Centre 2001). Nevertheless, unlike for boys, for girls, the experience is more likely to be physically harmful (UNICEF Innocenti Research Centre 2001: 4). In some settings where early marriage is practiced, the husband-wife age gap is wide which exacerbates unequal power relations and puts girls at further risk of abuse and violence (UNICEF Innocenti Research Centre 2001: 5). Girls' early marriage is often accompanied by early school-drop out (UNICEF Innocenti Research Centre 2001: 1). Early marriage is practiced in some European countries and by particular groups (UNICEF Innocenti Research Centre 2005: 12). Among the countries in the Demographic and Health Surveys (DHS), Bangladesh has one of the earliest ages of female marriage (Amin, Selim et al. 2006).

Recognising that there are many underlying dimensions to this practice, legislative reform alone is ineffective to stop early marriage and to reduce gender inequality in marriage. For example, in the African Charter on the Rights and Welfare of the Child, States Parties are urged to take a variety of measures to stop the practice of child marriage, including the legislation that prohibits the practice, making marriage registration compulsory (Organization of African Unity 29 November 1999). Multiple inter-related actions are required at community and household level, but also at the national and international level. In this workshop the focus will be drawn to holistic approaches, collaboration between States and civil society actors, and transnational alliances to end this form of violence. The key questions to be addressed are as follows:

- What changes are necessary to ensure a free choice of partner and full consent for all young people? How can they be empowered and how can we empower parents to resist social pressure from the extended family and community?
- How can we work together to effectively stop forced and early marriages in an international context?

Given the need to address this in a holistic manner, and noting that efforts to address other forms of violence have also reduced early marriage, it is important to draw experiences and lessons from the experience of the Para-legal committees in Nepal (outlined under 'See and Act') and also efforts to end FGM/C (outlined under 'Power of the Community'). Nevertheless, the following elements should also be considered for inclusion in any effort:

- There is evidence to suggest that cash incentives have had some success (for example, the Female Secondary School Stipend Scheme (FSSP) in Bangladesh) (Amin and Sedgh 1998). Other efforts include the involvement of adolescent boys in the promotion of children's rights, including girls' rights to stay in school (UNICEF Innocenti Research Centre 2001);
- Girls and boys need to learn about sex, reproduction and the related risks at an early age (UNICEF Innocenti Research Centre 2001);
- Birth and marriage registration should be promoted and the systems made functional;
- Efforts to improve the economic situation of girls so as to grant them higher status and more control over their lives include training in livelihood skills and ensuring that marriage is not a pre-condition for eligibility into microcredit programmes and savings clubs (UNICEF Innocenti Research Centre 2001: 15).

Showing the importance of taking a holistic approach, including constructive engagement with religious and customary laws and ensuring convergence with other services and policies, the following example comes from Sri Lanka:

#### **Legislation and Change in Sri Lanka**

In Sri Lanka, where age at marriage has traditionally been low, average age at marriage is now 25 years. This country's success in raising the age of marriage has been driven by the introduction of legislative reforms requiring that all marriages be registered and that the consent of both marriage partners be recorded. Moreover, Sri Lankan courts have ruled that specific cases of non-consensual marriages arranged by parents on behalf of their children are invalid. Underpinning these broad initiatives, which apply to Sri Lankan citizens of any religion, is a legal argument that Islamic law recognises the importance of consent to marriage. There are texts in Islamic law that indicate that parental authority in relation to the marriage of a daughter does not permit complete disregard of the child's welfare, and that accept the requirement of obtaining a child's consent to marriage. The positive impact of these legislative changes have been supported by social policies on health and education (including free education from primary to university level) to create an environment in which the practice of early marriage is in steep decline.

*Source: Children, Law and Justice. A South Asian Perspective, Savitri Goonesekere, UNICEF-ICDC, Sage Publications, New Delhi, 1998, p 117 & 324*

**Excerpt from:** (UNICEF Innocenti Research Centre 2001: 15).

The following case study, from Ethiopia, demonstrates the role that can be effectively played by children:

#### **Girls' Advisory Committees, Ethiopia**

Primary schools are the one location in Ethiopia where girls and boys who may be vulnerable to forced early marriage are brought together. The creation of Girls' Advisory Committees (GACs) is an innovation in Ethiopian primary schools. They are aimed at preventing child marriage and other forms of gender discrimination. GACs are school committees linked to the parent-teacher association and include male and female teachers, a community member and a female teacher who serves as an advisor. The student members act as links between the community and the school, reporting on upcoming child marriages, abduction, teasing, harassment and

extended absence of girls from school. When an impending marriage is announced, the GAC visits the parents to attempt to dissuade them. If the parents refuse to listen, they are invited to school, where teachers encourage them to cancel the marriage, explaining that it is illegal. Mothers are reported to have said they were glad their daughters were not forced into marriage, but that they would not have been able to protest the marriage without the backup of the school.

This child-led activity illustrates the necessity of taking an integrated approach whereby children's efforts are backed up by authority figures such as schoolteachers and the law.

**Source:** adapted from (Pineiro 2006: 82; UNICEF 2007: 30).

### No more Violence, More Honour

As explained in a recent (2007) UNICEF report, "Honour' crimes are those committed against girls and women who are perceived to have contravened accepted social norms of behaviour and have therefore brought shame to their families"(UNICEF 2007: 35). This type of violence may take a variety of forms: verbal threats, physical and psychological abuse, forced and marriages and even murder or forced suicide (Karlsson 2007). Causes of honour killing can also include refusal of an arranged marriage, or persistence in maintaining a friendship with a person of the opposite sex who does not meet with the approval of the victim's family. The victims of honour killings are almost always women or adolescent girls, and the perpetrators are normally male family members, including the father or elder brother (UNICEF Innocenti Research Centre 2007: 70). Although it mainly affects girls and women, boys may also be affected, for example, if they are forced to control or even kill their own sisters or if they have to take a stand in favour of the girl accused of disgracing the honour of the family (Karlsson 2007).

The majority of such crimes are concentrated in Muslim and some Mediterranean cultures (United Nations Economic and Social Council 31 January 2002). The practice has been documented in Pakistan and some countries in the Middle East (UNICEF Innocenti Research Centre 2007: 70), and in Bangladesh, Egypt, Jordan, Lebanon and Turkey (UNICEF Innocenti Research Centre 2001: 12). Honour crimes have also been reported within Europe (UNICEF Innocenti Research Centre 2005: 12). In fact, crimes committed in the name of honour are included, for instance, in Recommendation (2002) 5 of the Committee of Ministers to Member States of the Council of Europe on the protection of women against violence (UNICEF Innocenti Research Centre 2005: 8). According to the UN Population Fund (UNFPA), the number of girls and women killed by family members in the name of honour is 5000/year. However, the full extent is unknown (United Nations Economic and Social Council 31 January 2002: 12). Although these acts are usually recognised as crimes, law enforcement is often lenient and the motive of the crime may be legally recognised as a mitigating factor (UNICEF Innocenti Research Centre 2007: 70).

This workshop asserts that change of mentality is crucial in preventing honour-related violence. Good practices from several NGO efforts will be shared and the role of the government in effective prevention will be discussed. Religious and belief systems also have an important place in efforts to address and stop honour crimes and their role will be examined.

The following dilemmas and dimensions could be factored into discussions and evoke similar types of discussions around how best to eradicate FGM/C (discussed in the section 'Power of the Community'):

### **Taking Action against Honour Crimes**

Opinions vary about the most appropriate ways to address the problem of crimes committed in the name of honour. Some argue that any local efforts require support from the international community. Others, however, express concern that international involvement, especially media coverage by a 'Western' press, may generate a backlash that undermines the efforts of local activists, especially those working in traditional cultures. Most agree, however, that eradication strategies must support the implementation of protective laws. Moreover, targeted services to girls and women who may be at risk, for example, safe havens, must be provided. These 'safe spaces' must provide concrete assistance and support. At the same time, however, efforts must be increased to promote shifts in community perceptions about gender roles, and concepts of honour and shame.

An example of a community-led effort is from Jordan. Here, a grassroots campaign against honour killing gathered 15,000 signatures on a petition to repeal an article in the penal code that pardoned honour crimes that are the result of a wife committing adultery. In 2001, a temporary amendment was passed precluding exoneration based on adultery, although it retained adultery as a mitigating circumstance. Efforts are ongoing to abolish aspects of the penal code that give exemptions and reduced sentences to those who kill in the name of honour.

**Extracted from:** Source: (UNICEF 2007: 26-37; UNICEF Innocenti Research Centre 2007: 70)

As explained above, honour crimes also take place in Europe among immigrant communities. Among some populations, girls may be expected to live up to traditional expectations (for example, marrying a man selected by their family and not mixing with members of the opposite sex after they reach puberty). This may contrast strongly with the situation of their native friends, who may still experience gender discrimination and stereotypes but who, nevertheless, may still have more freedom to make individual choices. The following example outlines the INGO response to a high profile honour crime that occurred in Sweden:

### **Honour Crimes in Sweden: the Save the Children Sweden response**

In January 2002 a young girl from an immigrant background was murdered by her father because she had a Swedish boyfriend. This led to a debate around honour-related violence, and a number of actions were taken by the government and by members of civil society. Within two days of the murder, Save the Children Sweden opened a clinic for girls, and later also for boys, who were affected by honour-related violence. Three strategies were developed to support affected girls and boys:

- \*Professional support and treatment is offered at the clinic, girls and boys are able to get psychotherapy to heal the traumas they have experienced from honour-related violence and other causes;
- \*A telephone help-line was set up where children could make anonymous calls and receive advice and support;
- \*An opportunity to get treatment through e-mail communication was established.

As a result, between 2002 and 2006, 500 children and young people, a majority of them girls, have received treatment through regular contacts with psychologists via e-mail. These strategies have also been important for prevention as risk situations have been detected and addressed at an early stage.

**Source:** (Karlsson 2007)

## Transforming Son Preference into Non-Preference

According to estimates, the number of 'missing' females who should be alive but who are not due to discriminatory preferences ranges between 50 and 100 million worldwide (UNICEF 2007: 10). Son preference takes a variety of forms, including favouring boys' social, intellectual and physical (including nutritional) development over that of girls (UNICEF 2007: 24). In some parts of South Asia, West Asia and China, natural female-to-male birth ratios have been significantly altered as a result of extreme forms, for example, sex-selective abortion of female fetuses and female infanticide (UNICEF 2007: 24).

This phenomenon is deep rooted in the structure of many societies, and is manifest in practices such as early marriage, FGM/C and honour crimes. In this workshop, the role of social transformation will be discussed as the key answer to this problem. And, in particular, the role of young people and the innovative use of the media and education will be seen as playing key roles.

The following example is from Ethiopia. It involves partnerships with boys and young men to build their knowledge of HIV/AIDS, yet it also supports them to build relationships built on gender equity and respect. If this knowledge is imbibed, this may carry forward to their future lives as husbands and/or fathers.

### **Promoting gender equity and respect: an example from Ethiopia**

Save the Children Sweden has started a new programme of partnering with boys and young men in three localities in Addis Ababa, Ethiopia. The new approach takes into account the gender implications of HIV/AIDS, and aspires to secure the active involvement of boys and young men in establishing gender equitable relationships, as a means of ensuring the right of girls and boys to good sexual and reproductive health. The programme appreciates the reproductive health needs of boys and young men, and aims to educate them to become aware of their own entitlements and responsibilities, to help them build relationships based on mutual communication, trust and respect. The focus population is adolescent boys and young men, but some girls' groups are also included in the programme. Groups and clubs have been established both in schools and in the community. Activities include peer education initiatives and coffee ceremonies as a means of communication with young people.

**From:** (Save the Children 2005: 27)

Although the example provided below is for addressing gender-based discrimination and violence, the innovative and participatory methodologies used may be helpful in efforts to change attitudes around son preference:

### **Street Theatre, MASVAW, India**

Mohan is a 16 year old boy from a small town in Uttar Pradesh. He explains he felt very badly when men and boys would tease his mother and sister. To do something about it he decided to join a street theatre performance group that performs skits on gender and gender-based violence. Role-plays are performed in local communities and on special days with the aim of discussing the need to stop violence against girls and women. The boys' group is part of a larger grassroots campaign called 'Men's action to stop Violence against Women (MASVAW)'. What started as an initiative for men subsequently expanded to include boys. The campaign offers a chance for boys and men to speak out in opposition to violence against women and gender inequality through

rallies, campaigns, public debates and workshops. The group serves as a watchdog, working with the police, doctors, lawyers and the media, as well as with boys and men in universities and schools. The issues raised are often sensitive, so MASVAW invests resources to develop and adapt appropriate and innovative tools for working with different age groups. The most popular is a traditional game, snakes and ladders, used to introduce discussions on gender and violence. In over a hundred villages 'watch' groups have been organized to intervene in violent situations, provide support to victims and work to make schools and colleges violence-free zones.

**Extracted from:** (Save the Children 2006: 26; Feinstein and O'Kane in publication: 58)

### Concluding Remarks

In the previous chapters, a number of key features concerning violence against girls have been discussed. These include making the case for girls, and the various characteristics that put girls at greater risk of violence than boys. Moreover, they also touched on the features (such as race, ethnicity and phase within the life course) that make *some* types of girls more vulnerable than *other* girls. Emphasis was, however, placed on the need to ensure that boys are not overlooked in addressing gender-base discrimination and violence. Indeed, in many settings, boys are more vulnerable to certain types of violence than girls.

While this two-day conference will specifically focus on violence against girls within the home and family, it has been shown that these are dynamic constructs which interact with other institutions and structures. So, in order to properly prevent and address violence against girls in these two settings, one must, however; look beyond these institutions and develop and implement plans with a range of partners. A human rights-based approach which ensures that children's best interests are incorporated into actions that address the following: prevention, legal reform and law enforcement, service provision, participation and monitoring and evaluation are recommended as features in all strategies.

The conference will specifically tackle eight themes: holistic approaches to address and respond to violence; helping parents; violence conducted over the internet and through new technologies; girl children as witnesses and victims of domestic violence; harmful traditional practices such as FGM/C; early and forced marriage, crimes committed in the name of 'honour' and boy child preferences. Nevertheless, as outlined in previous sections, and as made explicit in the Study, violence is multi-faceted and each type cannot be effectively tackled in isolation. Indeed, at the root of many types of violence against girls, the structural and systemic dimensions concerning gender are the same.

A number of case studies from different countries and regions of the world have been shared that have been identified as good practices. Interventions must, however; be grounded in the lived realities of children's lives and also be situated in the appropriate context. This necessitates acute sensitivity to social, religious, political, historical and economic dimensions that shape children's development.

Throughout the document, recommendations have been included that draw from the Study, UN Treaty and Charter-based Bodies, international conferences and studies. Each are important and draw attention to dimensions of violence that may otherwise have gone unnoticed, including the linkages with other forms of rights violations. Yet, several broad themes stand out for attention:

Address gaps in the knowledge base:

- knowledge of the real situation of girls often remains hidden behind references to “women and girls”, “boys and girls” and to “children” in general (United Nations Economic and Social Council 12 December 2006: 7);
- disaggregated data (not only by girls, boys and ages, but also by race, class, caste, etc) for more complete situation analyses upon which to develop strategies to address the problems;
- sub-national data to understand the pockets of vulnerability and marginalisation;

Ensure the ‘best interests of the child’ are being met:

- monitoring and evaluations of interventions to identify results and weaknesses, and to check that children’s best interests are being served;

Focus on partnerships and results:

- multi-stakeholder partnerships and time-bound plans of actions;

Prioritise children and gender across all sectors

- mainstream attention to children and gender in national or local budget processes;
- allocate resources to address gender-based discrimination and violence;

Recognise children’s capacities and resiliencies:

- build capacities of and create space for children to engage in constructive dialogue with their parents, state authorities and service providers about matters of concern to themselves

## **Appendix A: International Human Rights Instruments, Global Commitments and Guidelines**

### **International Human Rights Instruments and Labour Laws:**

The Convention on the Rights of the Child (1989) and its two optional protocols:

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)

The Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol

The UN Convention against Transnational Organized Crime, in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

The International Bill of Rights, in particular;

The International Covenant on Economic, Social and Cultural Rights (1966) and;

The International Covenant on Civil and Political Rights (1966)

The International Convention on the Elimination of All Forms of Racial Discrimination

The Convention relating to the Status of Refugees

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Hague Convention on the Civil Aspects of International Child Abduction (1980)

The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption (1993)

Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (1996) The

Convention on the Rights of Persons with Disabilities (2006)

International Labour Organization (ILO) Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999) and;

ILO Convention 138 on Minimum Age for Admission to Employment (1973)

*Albeit for war crimes and crimes against humanity:*

Rome Statute of the International Criminal Court (1998)

### **Binding Regional Human Rights Instruments and Mechanisms:**

This is not an exhaustive list, however; several key instruments and mechanisms are as follows:

#### **African Union**

The African Charter of the Rights and Welfare of the Child

African Charter on Human and Peoples' Rights, and its;  
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol)

#### **Council of Europe**

European Convention for the Protection of Human Rights and Fundamental Freedoms

European Social Charter (1961) and the Revised European Social Charter (1996)

European Convention for the Prevention of Torture and Other Inhuman and Degrading Treatment or Punishment

Convention on Cyber Crime (2001)

Council of Europe Convention on Action against Trafficking in Human Beings (2005)

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007), *not yet in force*

#### **European Union**

Framework Decision on combating the sexual exploitation of children and child pornography was adopted

#### **The Organization of American States:**

The Inter-American Convention on International Traffic in Minors (1994)

Inter-American Convention on the International Return of Children (1989)

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994)

#### **South Asian Association for Regional Cooperation (SAARC):**

Convention on Regional Arrangements on the Promotion of Child Welfare (2002)

Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution (2002)

#### **Regional Legal Mechanisms:**

The European Court of Human Rights

The Inter-American Court of Human Rights

The African Commission on Human and Peoples' Rights

### Global Commitments articulated in the following:

A World Fit for Children', the outcome document of the 2002 General Assembly Special Session on Children

The World Summit for Children (1990)

The Millennium Development Goals (2000) (in particular Goal 3 to promote gender equality and empower women) and Millennium Summit (2005)

Declaration of the First World Congress Against Sexual Exploitation and Abuse of Children and Adolescents (Stockholm, 1996);

The Yokohama Global Commitment (2001);

The Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008) *\*N.B. not yet finally approved*

The Beijing Declaration, the outcome to the Fourth World Conference on Women (1995)

The Vienna Declaration and Programme of Action, the outcome document of the World Conference on Human Rights (1993)

### Guidelines

ILO-IPEC Guidelines on the design of direct action strategies to combat commercial exploitation of children (2007)

Guidelines on Justice in matters involving child victims and witnesses

UNICEF Guidelines on the Protection of Child Victims of Trafficking (2006)

Code of Conduct for the Protection of children from sexual Exploitation in Travel and Tourism (2004)

UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002)

**Source:** (Pinheiro 2006: 40-41; UNICEF 2007: 20; III World Congress against Sexual Exploitation of Children and Adolescents 2008).

## **Appendix B: Excerpts from ‘The Rio de Janeiro Pact to Prevent and Stop Sexual Exploitation of Children and Adolescents’ (2008)**

The following are recommendations from the Rio Outcome Document that specifically address forms of sexual exploitation committed via the Internet or other new technologies:

### **C.2. Child pornography/child abuse images<sup>8</sup>**

- Criminalize the production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the consumption, access and viewing of such materials where there has been no physical contact, extending legal liability to entities such as corporations and companies in case of responsibility for or involvement in the production and/or dissemination of such materials.
- Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification and support and care by specialized staff should be made a high priority;
- Conduct educational and awareness-raising actions focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improving understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other technologies, such actions to include information for children on how to protect themselves, get help and report incidences of child pornography and online exploitation, and indicators and evaluations to identify the effectiveness of such programmes, not only in relation to increasing knowledge but also in effecting behaviour change.
- Put online safety on the curriculum in schools, and promote it through youth organizations and at official meeting points for children;
- Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- Encourage and support Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement, with the meaningful participation of parents, children and adolescents, voluntary Codes of Conduct and other corporate social responsibility mechanisms and develop legal tools for enabling the adoption of child protection measures in these businesses.
- Provide incentives to the private sector for research and development of robust technologies to identify images taken with electronic digital cameras and trace and retract them to help apprehend the perpetrators;
- Promote public/private partnership to enhance research and the development of robust technologies to investigate the sexual exploitation of children and adolescents and promptly trace the victims;
- Develop and disseminate messages informing potential users of legislation on viewing child abuse images and develop programmes to reduce the demand for such images;

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<sup>8</sup> Increasingly the term ‘child abuse images’ is being used to refer to the sexual exploitation of children and adolescents in pornography. This is to reflect the seriousness of the phenomenon and to emphasize that pornographic images of children are in fact records of a crime being committed. However, many laws use the term ‘child pornography’ and it is therefore used in this document.

- Encourage and support telephone and online hotlines to enable the public, including children, to report the sexual exploitation of children and adolescents online, moving where possible towards harmonized numbers and URLs.

Source: (Conference participants 2008).

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