

## **NATIONAL INTEGRATED STRATEGIES ON VIOLENCE AGAINST CHILDREN**

*Panel Discussion organised in cooperation with the UN SRSG on violence against children and the Permanent Mission of Finland  
Geneva, 9 March 2010 Palais des Nations, Room XXI*

### **Multi-stakeholder approach to violence against children**

**Involvement of the non-governmental sector - Peter NEWELL, Co-Chair, International NGO Advisory Council for Follow up to the UN Secretary-General's Study on Violence against Children, Coordinator, Global Initiative to End All Corporal Punishment of Children.**

So what is the role of the non-governmental sector? The Guidelines provide a very thorough checklist for States on fulfilling their human rights obligations to protect children from all forms of violence “however mild, at all times and in all settings”. The prime role of the non-governmental sector must surely be advocacy - to hold governments to account and ensure that the Guidelines lead not only to recognition of children's rights, but to full enjoyment of these rights.

These Guidelines are an advocacy tool of great value. I add my congratulations – and particularly to Maud de Boer Buquicchio, the Council's Deputy Secretary-General, who has been so effective in promoting a culture of real respect for children's rights in the Council's work – the progress really is a model for all regions.

But – there is a very long way to go and a need for strong advocacy – including increased use of the Council's human rights mechanisms – the European Court, the collective complaints mechanism for the Social Charters – to assert children's rights. No country in Europe can as yet claim that it has an effective, child-sensitive child protection system. As yet only four member-states have ratified the Convention on the Protection of children from sexual exploitation and abuse, which provides very necessary detailed standards.

27 of the 47 member states have not as yet explicitly prohibited all corporal punishment within the family; and in most of these states, hitting and hurting children remains lawful foster-care and various forms of alternative care. Several countries, including my own – the UK - Ireland and Malta still have laws allowing parents and others to justify “reasonable” chastisement of children. It is hard to imagine a concept more directly in conflict with the rights-based philosophy of these Guidelines. As the Council's Human Rights Commissioner, Thomas Hammarberg, concluded in a Memorandum to the UK Government in 2008: “Maintaining a law which allows some level of violence to be justified as punishment or discipline is not in compliance with human rights. That children, uniquely, should have less protection under the criminal law from assault is additionally discriminatory and unimaginable, given children's obvious special vulnerability. It is inconceivable that any Member State would defend less legal protection from assault for any other population groups – women, people with disabilities, elderly people...”

No state can pretend it has an effective child protection system while its laws still authorise direct violence against children. And the response to young offenders in many countries is characterised by violence – violence in court processes, in unnecessary use of detention in conflict with international human rights standards, in retributive rather than rehabilitative sentences, and violent forms of punishment and restraint in penal institutions. I am confident that the Council’s Guidelines for child-friendly justice systems, currently in draft, will complement these Guidelines and move states towards rights-compliant justice systems.

Retrospective studies interviewing young adults about their childhood find very large numbers who suffered serious abuse – physical, sexual, emotional – and told nobody. In some cases because they were in fear of the perpetrator, but in many more cases because they did not trust the protective services to stop the abuse without adding additional harm. Child protection services must be acceptable to children – and of course that means, as the Guidelines suggest, they must be designed with the help of children with relevant experiences. All children involved with child protection should be systematically invited to give their views of the service, how it could have been more sensitive to their rights and needs: doing this – and taking serious account of what children say - could rapidly transform services.

Governments, by their inaction, often force civil society into trying to inadequately fill the gaps in prevention and response to violence: among other things, NGOs are constantly called on to demonstrate good practice in child participation to government. But Government needs to relate to and listen to children directly, NGOs are also asked how to demonstrate how to promote positive, non-violent discipline within the family and in schools; also how to ensure that children and those living and working with them know about children’s rights. But all these are state obligations - it is fine for NGOs to provide demonstration pilot projects – but we have to be very careful we do not collude with states renegeing on their obligations.

We need to ensure that government understands the need to build educational, preventive exercises into mainstream services – because to change existing cultures of disrespect and violence towards children demands sustained comprehensive campaigns over a very long period – campaigns built into existing health and education services and other contacts with parents and future parents.

Church and faith organisations are one element of civil society: there are welcome signs of mainstream churches and faith leaders advocating non-violence and supporting prohibition. The horrific role of some church leaders in the systematic sexual and physical abuse of children, in institutions and in the community, compounded by attempts to cover it up and maintain impunity, is becoming increasingly visible. This should surely lead to the strongest possible support from the churches for the implementation of the Guidelines in every state. Some minority faith groups are still preaching and defending violent discipline and it is time conspiracy laws were used to challenge this. Another emerging phenomenon is the denouncing in certain minority faiths of children as witches

or possessed by evil spirits, which should be beaten out of them. There is no lack of adult ingenuity in devising justifications for their violence against children

I believe these guidelines are a very significant step towards achieving state accountability for their obligations to prohibit and eliminate all violence against children. Civil society need to make good use of them – from now.