

Violence against children severely threatens their survival and development, and undermines their human rights. An estimated 300 million children worldwide are subjected to violence, exploitation and abuse (UNICEF) – physically, sexually, socially and psychologically. These transgressions against children are under-reported in all countries, and interventions aimed to address the problem often have limited effect. Sida considers the protection of children as a high profile issue.

### Why dialogue on child protection?

- **To reduce the number of children in vulnerable settings.** Dialogue can draw attention to children who are at risk, such as those living with HIV/AIDS, involved in armed conflict, or placed in the juvenile justice system.
- **To fulfil legal responsibilities and uphold children's rights.** States have an obligation to protect the rights of children, as stipulated in national, regional and international laws and declarations.
- **To promote the Swedish government's policy on human rights and democracy:** *“Children and young people must be guaranteed protection and special consideration in all stages of legal processes... In conflict situations the rights and protection of women and children should be given special consideration.”*
- **To advance human rights and reduce poverty as set out in the Swedish Policy for Global Development:** *“The policy should be based on the view that all human beings are equal in dignity and rights, on Sweden's solidarity with poor and vulnerable people in other countries and recognition of our shared responsibility for the future of the world.”*

### Definition of child protection

Child protection can be defined as the protection of children in vulnerable settings – e.g. protection from violence, abuse, sexual exploitation, harmful traditional practices [female genital mutilation/cutting, child marriages], trafficking, organ trade, child labour (including hazardous work), HIV/AIDS, living on the streets or recruitment into armed forces/organised crime. The aim of child protection is to prevent, respond and rehabilitate. Child protection can also refer to actions that focus on orphans and vulnerable children. Supporting birth registration, justice for children and child protection systems are other important aspects. Child protection usually requires co-ordinated action across sectors, and uses many different instruments, such as laws, policies, services, facilities and campaigns.

A human/child rights based situation analysis can:

- Bring out root causes to why certain children need protection,
- Who those children are,
- Who is responsible to protect their rights, and
- What capacity those responsible and the children themselves have to fulfil/claim those rights.

- **To contribute to children themselves informing interventions aimed at their protection.** Children in vulnerable settings are experts on the challenges and circumstances they face, and on ways to reach others their age.
- **To change attitudes, customs and practices related to protecting children.** These kinds of

changes are often needed to protect children from violence, abuse and exploitation.

- **To improve services related to child protection.** Consulting with children in vulnerable settings can help to improve and adapt child protection services to meet changing needs.

## Measures to eliminate corporal punishment

The Committee on the Rights of the Child recommends the following measures and mechanisms to eliminate corporal punishment and other cruel or degrading forms of punishment:

1. Legislative measures
2. Active prohibition of the above forms of punishment
3. Educational and other measures
4. Monitoring and evaluation

*Committee on the Rights of the Child, General Comment No. 8*

## Measures to guarantee a fair trial for those in juvenile justice

- No retroactive juvenile justice
- The presumption of innocence
- The right to be heard
- The right to effective participation in proceedings
- Prompt and direct information of charge(s)
- Legal or other appropriate assistance
- Decisions without delay and with involvement of parents
- Freedom from compulsory self-incrimination
- Presence and examination of witnesses
- The right to appeal
- Free assistance of an interpreter
- Full respect of privacy

*Committee on the Rights of the Child, General Comment No. 10*

## Policy framework for the child's right to protection

- The *United Nations Convention on the Rights of the Child (CRC)* recognises the right of children to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (in Article 19), from economic exploitation and harmful work (Article 32), and from being separated from their families against their will (Article 9).
- The child's right to protection is further entrenched by two Optional Protocols attached to the CRC. One is the *Optional Protocol on the Involvement of Children in Armed Conflict*. The other is the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. These protocols give greater definition to the way children should be protected.
- The *UN Security Council's resolution 1612* treats protection of children in armed conflicts. It creates a monitoring and reporting mechanism with reference to child soldiers. *Resolution 1882* condemns recruitment and use of children by parties to armed conflict. It includes a focus on killing, maiming, rape and other sexual violence against children in conflict situations. *Resolution 1325* highlights protection of women and girls in conflict situations. It stresses the importance of women's participation in peace process and post-conflict reconstruction decision making fora. *Resolution 1820* focuses on sexual violence prevention and protection in conflict and post-conflict situations.
- The United Nations has used dedicated research studies, discussion days and the issue of General Comments to focus attention on different forms of violence against children. Amongst others, attention has been drawn to harmful traditional practices, such as female genital mutilation/cutting (FGM/C), corporal punishment and other forms of degrading punishment in homes and schools, as well as state violence against children.
- *General Comment No. 8* of the Committee on the Rights of the Child addresses the child's right to protection from corporal punishment and other cruel or degrading forms of punishment (see box). *General Comment No. 10* of the same treaty covers children's rights in juvenile justice (see box).
- The *UN has Special Rapporteurs* who are mandated to investigate, monitor and recommend solutions to human right problems. Examples of such rapporteurs are the: Special Representative on Violence Against Children, Special Representative for Children and Armed Conflict, and Special Representative on Sexual Violence in Conflict.

## What to dialogue about?

- **About the UN Security Council’s resolution 1612 and 1882, and General Comments 8 and 10** of the Committee on the Rights of the Child.
- **About the recommendations of the UN Study on Violence against Children** (see box). The study concludes that “No violence is justifiable, and all violence is preventable”.
- **About violence against children not being acceptable under any circumstances.** In some societies, recognised forms of child abuse and exploitation are regarded as traditional cultural practices, or seen to fall within the private realm of the family. Challenging violence against children can be misconstrued as cultural bias or an attack on indigenous beliefs. As a result, the topic may be avoided or approached with hesitation. There is a world-wide need to raise the profile of this debate, and make sure it doesn’t remain shrouded in taboo.
- **About recommendations of the human rights committees.** Human rights committees and individual experts monitor the implementation of children’s rights. They disseminate information and formulate specific recommendations for countries, which can be used in dialogue. See the database of human rights recommendations in State Party reports on the webpage of the UN Office of the High Commissioner for Human Rights.
- **About policy development related to child protection.** The adoption of legislation to protect children from violence, abuse and exploitation is important.
- **About policy implementation related to child protection.** Legal reform alone is not sufficient to address harmful practices against children. Governments need political will, capacity, and well-functioning national systems to devise and implement multi-pronged strategies on child protection. The implementation and enforcement of policies and interventions, is a key area to consider.
- **About issues raised by children themselves.** Important issues for dialogue can be identified by consulting with children in vulnerable settings, or with people or organisations that are close to them. Their views should be heard and taken seriously in planning, implementing and evaluating policies and programmes.
- **About recommendations made by development cooperation partners.** This could include recommendations made at different levels, for example by national NGOs, universities, government agencies, Plan International, Save the Children and UNICEF.
- **About the importance of reaching the most marginalised.** Dialogue can draw attention to those children and young people who are most in need of protection.
- **About changing attitudes.** It is notoriously difficult to change social and cultural attitudes, customs and practices that are deeply entrenched. Governments and other stakeholders need to be innovative and tenacious in how they set about protecting children from violence, abuse and exploitation. Simply providing more information about children’s rights, or about the harmful effects of certain practices, is often not enough. What other triggers and shifts are needed to create a groundswell of change?
- **About gathering and using data on child protection.** A vital tool to improve child protection in all countries is gathering better and more statistics about children, and their safety and circumstances. More effective data collection and information systems should assist in identifying vulnerable groups of children, as well as monitoring where and how child protection strategies have had an impact. UNICEF has among other gathered such data in *Progress for Children, A Report Card on Child Protection*.

## Overarching recommendations of the UN Study against violence:

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

“The consequences of violence, exploitation and abuse of children have a direct negative impact on poverty reduction and the realisation of human rights for children.”

Sida, UNICEF Assessment Memo on Child Protection, 2009



## Dialogue with whom?

- **To answer the above question a context specific stakeholder analysis is needed.** Consider who already has knowledge to contribute, who may develop the capacity to help advance the child's right to protection, and also who may resist what you want to achieve. Important stakeholders may include national ministries and agencies, parliamentarians, local councillors and authorities, civil society organisations, other donors, and multilateral actors. The next three bullets give some examples.
- **At national and local level,** key stakeholders for dialogue on child protection may include government ministries dealing with social services and health, traditional leaders, religious leaders and civil society organisations with an interest in children's rights.
- **Dialogue on corporal punishment in state institutions,** including schools, could involve government ministries responsible for education and juvenile justice, school principals, social workers and teachers' associations, as well as civil society organisations working in the education terrain.
- **Dialogue on child protection** against trafficking and prostitution could involve government ministries responsible for police/internal security, justice and labour, as well as civil society organisations working on child safety and protection.
- **Consider boys and girls in vulnerable circumstances as potential dialogue partners.** They have knowledge about the kinds of protection they need.
- **Consult with Sida partners on child rights.** Sida has existing close relationships with for example Plan Sweden/International, Save the Children, UNICEF and the Office of the High Commissioner for Human Rights. They could play a key role in Sida dialogues in different countries.
- **Support dialogue through media.** The media may have a key role to play in spreading information, spurring debate, and changing attitudes – e.g. on birth registration procedures or the right of the child not to be abused.

## How to conduct a dialogue on the rights of children

To find out more about how to dialogue on the child's right to protection, see the Sida brief *Conducting a Dialogue on the Rights of Children and Young People (part 1)*.

## REFERENCES

The following are some references used in this brief:

- General Comment No. 8 of the CRC on corporal punishment: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.GC.8.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.GC.8.En?OpenDocument)
- General Comment No. 10 of the CRC on juvenile justice: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>
- Progress for Children, A Report Card on Child Protection, Number 8, UNICEF, 2009 [http://www.child-info.org/files/Progress\\_for\\_Children-No.8\\_EN.pdf](http://www.child-info.org/files/Progress_for_Children-No.8_EN.pdf)
- UN Office of the High Commissioner for Human Rights: [www.ohchr.org](http://www.ohchr.org)
- UN Security Council's resolution 1612: <http://www.crin.org/law/instrument.asp?InstID=1053>
- UN Security Council's resolution 1882: [http://www.un.org/children/conflict/\\_documents/SC-RESOLUTION1882-2009.pdf](http://www.un.org/children/conflict/_documents/SC-RESOLUTION1882-2009.pdf)
- UN Study on Violence against Children: <http://www.crin.org/violence>

Find more information, references and web links that may be useful in your dialogue on child protection: [www.sida.se/childrensrights](http://www.sida.se/childrensrights).

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