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**29**

**EDWIN RAMIREZ**

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**Sender:** Maria Calivis  
**To:** Kelemework Shiferaw  
**Priority:** Normal  
**Subject:** Fwd[2]: Technical Team Reports -- Tarrytown

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**Subject:** Fwd: Technical Team Reports -- Tarrytown  
**Author:** Karin Landgren  
**Date:** 10/6/98 9:52 AM

This is the final version, BUT we will edit further if it's going to be published!! Please advise.



Violence, Abuse and  
Many t Exploitation.doc hanks  
Karin

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**Subject:** Technical Team Reports -- Tarrytown  
**Author:** Janice Clarke  
**Date:** 10/5/98 4:02 PM

Dear Colleagues:

Can you please urgently indicate to Kelem (who works with Maria Calivis), which is the final version of your report?

Thanks Janice  
Marjorie's office

# **VIOLENCE, EXPLOITATION AND ABUSE**

## **UNICEF's Agenda**

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### **OUTLINE**

- I. Global Context and Manifestations
  - II. Challenges and Opportunities
  - III. UNICEF's Priorities
- Annex 1: Case Study (Brazil)  
Annex 2: Key provisions of the CRC
- 

### **I. Global Context and Manifestations**

#### **Introduction**

1. Violence, abuse and exploitation take place during wartime and peacetime, on the battlefield and in refugee camps, in institutions, including schools; on the streets and in the privacy of homes. They are perpetrated directly and indirectly by individuals and organised groups, from occupying armed forces to those responsible for protecting children. Exploitation and violence frequently take place with collective, if tacit, societal collusion.
2. "Violence" includes violent conduct or treatment, outrage, injury; the unlawful exercise of physical force, or its display for purposes of intimidation. Exploitation entails making use of, deriving benefit from, or taking advantage of (especially a person) for one's own ends. Abuse can be defined as using something or someone to bad effect or for bad purpose; to maltreat or insult verbally. As such, it shares characteristics with both "violence" and "exploitation.". While definitions are important, our understanding must go further, to include an examination of causes as well as of impact on the social, emotional and cognitive development of children, and on their normative behaviour.
3. Violence, exploitation and abuse of children represent violations of human rights. The result of these violations is damage to physical integrity, healthy development and human dignity. High-risk environments are characterised by deprivations and the denial of rights. Violence against children and women is an expression of unequal power relationships: the most powerless members of society are also the most vulnerable and the most exploitable. The vulnerability and powerlessness are as much a result as they are a cause of violence and exploitation. Moreover, violence teaches its own harsh lesson

and perpetuates itself in succeeding generations.



### **Scope**

4. There is no doubt that violence, exploitation and abuse of children are pervasive and occur world-wide. In the past decade, an estimated 2 million children have been killed in armed conflict and three times that number wounded or disabled; countless others have been forced to commit or witness horrifying acts of violence, often against their own families. Other conflict-related examples of violence and exploitation include the fact that “children in at least 68 countries live amid the contamination of more than 110 million landmines”.<sup>1</sup> They account for 40 – 45 % of the 26,000 people killed or maimed by mines each year. Globally, each year, an estimated one million children enter the sex market for the profit and pleasure of adults. According to ILO estimates, about 250 million children between the ages of five and 14 in developing countries are working full or part time. This is thought to underestimate the global dimensions of child labour as it fails to include industrialised countries; as well, most surveys cover only children aged ten and above. In some countries, children under ten years of age account for 20 per cent of child labour in rural areas and five per cent in urban areas.
5. Data on violence in the private sphere is the most difficult to come by. However, the incidence of intra-familial violence is reported to be the most pervasive of all forms of violence against children and women, escaping no country and no corner of the world.
6. It may also be appropriate to note here that of some 150 million children with disabilities, only 2% attend school and less than 5% receive rehabilitation of any kind (UNESCO, WHO).
7. The elimination of all forms of violence, exploitation and abuse affecting children and women is identified as a key element in UNICEF’s new global agenda. In order for UNICEF to make the best use of its comparative advantage, efforts must be made to understand violence, abuse and exploitation against children<sup>2</sup> within the social, economic, political and cultural context in which it occurs.

### **Conceptual Framework**

<sup>1</sup> Machel report, para 115.

<sup>2</sup> The issue of violence against women is addressed in the paper on Gender Equity.

8. Violence, exploitation and abuse can be identified among immediate causes for impaired emotional, cognitive, moral, spiritual and physical development, as well as for loss of opportunities and even of life. They emanate from particular interlinked *economic, political, cultural* and *legal* conditions in society, which we must be cognisant of, if we are to tackle direct obstacles to the fulfilment of children's rights.
9. *Economic:* The globalisation of the world economy, and structural adjustment programmes, have contributed towards a reduced commitment and ability on the part of governments to provide safety nets to their citizens. In consequence, poverty levels in developing countries have risen, and the gap between the rich and the poor is increasing. At the structural level, poverty and economic marginalisation are often cited as root causes of violence, exploitation and abuse in society. The economic inability of the household to provide the basic necessities to its members encourages commercial exploitation of children, whether through labour or sex. It makes children more vulnerable to military recruitment, and in urban areas to involvement in organised crime.
10. *Political:* At the global level, the collapse of states such as the former Yugoslavia and Liberia has brought with it rampant internal violence. Society's control mechanisms, both formal and informal, disintegrate, and as violence takes place with impunity, more violence results – whether in defence of other ideals, in self-defence, or for personal gain. Societies and individuals are marked by the violence they have witnessed and used, and economic systems may be left thoroughly criminalised as a result. Moreover, the circulation of arms and ordnance (helped by porous borders) facilitate acts of violence. During peacetime, certain groups may be excluded from political life. They may turn to violence in defence of their rights: children and youth are traditionally the most willing to take risks or to follow orders. In any event, political exclusion is frequently associated with limited access to economic and other resources in society. The lack of a political or religious outlet may lead to violence.
11. *Cultural:* Cultural norms may also determine the nature of violence and exploitation in society. The physical abuse of children and women is culturally acceptable in some societies. So are child marriage, and child labour in agriculture or domestic work to support the family. Violence carried out in the name of religious beliefs, or in the name of the law, may also be culturally acceptable in society: witness stoning for adultery, or the use of the death penalty.
12. *Legal:* Under human rights law, the individual has the right to be free from violence, exploitation and abuse. Certain situations lack complete protection: there are grey areas where abuses are committed by non-state actors, with respect to involuntary displacement, as well as in respect of undeclared wars or national emergencies. The most important problems, however, are:
- The failure to ratify international standards. The CRC is the most ratified human rights treaty in the world, but other human rights instruments have far fewer adherents.

- The failure to integrate international standards into domestic legal standards.
- The failure to enforce national standards, due to political or economic corruption (undermining the rule of law), lack of political will, vested interests of the political elite, incapacity due to lack of financial, material or trained human resources or lack of political support.
- Civil society's lack of confidence or capacity to insist on protection of human rights.



2. Establishing the causality of violence, abuse and exploitation is a challenge, and requires an analysis of the complex interplay of socio-economic, political, legal and cultural forces. The societal conditions in which violence occurs share some common denominators at a deeper level of causality, including social exclusion and longstanding discrimination against specific groups, for reasons of gender, ethnicity, or religion.

### **Manifestations**

3. Some of the more pervasive manifestations of violence, abuse and exploitation involving children are summarized below.
4. *Armed conflict.* Armed conflict heads the list because vulnerability is increased on so many different fronts. Children who are disabled, unaccompanied or displaced are clear examples. The lack of birth registration, and statelessness, which may be consequences of both conflict and displacement further aggravate the child's ability to have his or her rights secured. Restricted property rights are another issue frequently coming to the fore in conflict situations. Sexual exploitation of children can be a consequence of war-related poverty, or of a breakdown of law and order. It can also be exacerbated by the advent of peacekeeping forces. An obvious and well-known manifestation of conflict-related violence and exploitation is the conscription of children as soldiers or in military support roles and the brutal treatment they may face. And finally, there is the violence of conflict itself – of which children can be both victims and perpetrators.
5. Armed conflict also exacerbates the occurrence of disability in a number of ways – directly by exposure, and indirectly by social disruption and reduction of basic services including preventive and curative health care. Many children become permanently disabled due to conflict-related injury, and even more suffer from motor disability, hearing and visual problems and from intellectual impairment, as result of untreated infections and multiple deprivations (such as nutritional deficiencies and lack of stimulation).

6. Some authors have noted that war intensifies the challenge of child development both by increasing the difficulty of becoming a competent citizen, as well as by altering the range of roles for the child. They note that “future orientation is a frequent casualty among children in war zones.”<sup>3</sup> It is crucial for young people to be treated as active participants in creating solutions, however, not just as victims of problems: reinforcing the child’s sense of ability to help others, and of altruism, has been associated with children being relatively symptom-free under conditions of severe stress and danger.<sup>4</sup>
7. *Exploitation of children’s work.* The elevation of child labour on the global agenda in recent years owes much to support given to the International Programme on the Elimination of Child Labour, launched by the ILO in 1992, and debates concerning human rights and the ethical dimensions to international trade. The impact of child labour on children must be understood in terms of denial of their rights, particularly to education, and as regards exploitation and exposure to danger.
8. For the most part, child labour takes the form of unpaid family workers, such as those engaged in domestic service, agriculture, home work and small family enterprises, whether in rural or urban areas. Many of these work activities are gender-specific, with the majority of child domestic workers being girls. They are often at risk of exploitation and abuse because of their isolation. Other types of child labour counted among the “worst forms” are forced and bonded labour, prostitution, and hazardous work.
9. *Urban violence.* Children who work on the streets are exposed to risks of exploitation and abuse. They also become targets of violence by adults, including law enforcement officials.
10. *Domestic violence* – that is, violence and abuse by one member of a family against another – has received insufficient attention at the international level. Its very appellation – “domestic” – tends to trivialise the acts in question, which can include murder, torture and rape. International law has only relatively recently accommodated – as matters of state responsibility and of legitimate international concern – actions which occur within

<sup>3</sup> Garbarino, J., and Kostelny, K., “What Do We Need to Know to Understand Children in War and Community Violence?” Chapter 3, \_\_\_\_\_ . p.35 Note also: “Our efforts to understand the impact of war *and chronic community violence* on children and youth around the world highlight several concerns – unmet medical needs, the corrosive effects of poverty and violence on personality and brain development, academic achievement, and so forth. But from our perspective, the most important of these is that the experience of trauma distorts the development of values – suppressing higher-order thinking about human relations and stimulating more primitive approaches.” Apfel, Roberta J. and Simon, Bennett, in...? p.12

<sup>4</sup> “Unless we reach children and youth with healing experiences and offer them a moral, political, and spiritual framework within which to process their experiences, traumatised children are likely to be drawn to groups and ideologies that legitimise and reward their rage, fear and hateful cynicism. This is an environment in which violent peer groups (for example, gangs and militia) flourish and community institutions deteriorate. At the heart of this moral deterioration is declining trust in adults on the part of children and youth in high-violence communities. As one youth living in a small city experiencing a proliferation of gangs put it to us recently: “If I join a gang I’ll be 50 percent safe, but if I don’t, I’ll be zero percent safe.”

<sup>5</sup> Ruth Heyward’s paper for Innocenti.

the 'private' sphere of the family. Family members are reportedly the most frequent perpetrators of violence against girls and women.<sup>5</sup>

10. *Sexual abuse and exploitation* endanger children's lives and physical health, and impairs all aspects of their development. The demand for younger children by the sex industry may be linked to the fear of HIV/AIDS; as well, there is concern that technological advances are fuelling the proliferation of child pornography and sexual violence. According to data presented to the 1996 World Congress Against Commercial Sexual Exploitation, an estimated 1 million children enter the sex market each year. Country-specific data are unreliable. In Thailand, for example, government and NGO estimates of sexually exploited children differ greatly, ranging from a 15,000 Ministry of Public health estimate to a 200,000 figure provided by NGO groups. In the Philippines, estimates of the number of child prostitutes range from 60,000 to 100,000. Asia Watch has reported that an estimated 50,000 Nepalese girls have been sold and trafficked to India and bonded labour in Bombay brothels. Brazil has an estimated 100,000 living and working in the streets, and many of these face sexual abuse and exploitation.
11. *Institutional violence.* The recent report of the Secretary-General on Children and Juveniles in Detention notes that the risks and the consequences of arrest and detention pending trial appear to be underestimated. Juveniles can be exposed to violence by the authorities, which is tolerated in certain countries, and to hardened criminals' attention

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<sup>6</sup> E/CN.4/1998/35, 5 January 1998, ECOSOC – Commission on Human Rights, Fifty-fourth session. Para 90.

And see, in para 80: According to the Howard League for Penal Reform, the use of detention pending trial of young people aged 15 to 17 increased by 40 per cent between 1992 and 1995 in England and Wales. The use of custody for convicted juveniles similarly increased by 34 per cent. ... Conditions for those on remand have deteriorated... Bearing in mind rule 13.5 of the Beijing Rules, the Howard League believes juveniles are not given the necessary care, protection or individual assistance whilst in custody. Bullying is endemic and many of the young people are at risk of self-harm and suicide.

<sup>7</sup> Juveniles and the Death Penalty: Executions Worldwide since 1985. Extracts from report issued by AI in January 1998.

<sup>8</sup> Psychiatrist Dr Dorothy Otnow Lewis, who has spent more than 25 years studying the motives of murderers, believes that the seeds of violence in kids who kill are sown by childhood abuse and neglect. She discusses her studies of violent teenagers and her conclusions in a new book, *Guilty by Reason of Insanity* (Fawcett Columbine). One of her most striking realisations after interviewing scores of kids behind bars...has been the high rates of child abuse among killer children – and that the families of the children as well as the children themselves are loath to talk about the abuse. It can be a tragic collusion. "These families would rather see their children put to death than reveal what has happened behind the closed doors of childhood", she writes. "Many of the adolescents themselves preferred death to exposing their abusive parents." ...abuse can make a child's anger and aggression stronger, and his emotion and impulses more difficult to regulate. [[add cite!!]]

<sup>9</sup> Ruth Heyward's paper notes, w/o attribution, that the effects on children of domestic violence include injury, depression, lower nutritional status, school problems, behavioural problems, and runaways. She also suggests that UNICEF should develop its expertise on socialising children to solve problems in non-violent ways, if the organisations to be a credible voice on the prevention of violence in the family and society.

<sup>10</sup> These sentiments are echoed by the Vienna Declaration on Human Rights, which says, in para 4, that "The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments.

<sup>11</sup> General Comment, May 1998.

<sup>12</sup> As a matter of interest, international law was long resistant to the notion of regulating behaviour within the sphere regarded as "private", namely that of the family. With the Declaration on the Elimination of Discrimination against Women, and with this article, however, it is underlined that the state is responsible for ensuring protection



which could transform the juvenile's stay into a life-long nightmare.<sup>6</sup>

11. Amnesty International has reported on the use of the death penalty against persons who committed crimes when aged under eighteen, noting that this is prohibited under international human rights standards.<sup>7</sup> Six countries are known to have executed juvenile offenders since 1990: Iran, Nigeria, Pakistan, Saudi Arabia, the USA and Yemen, with the USA accounting for the majority of known executions. All of the offenders in the US were aged 17 at the time of the crime. At least six of the nine juvenile offenders executed since 1985 in the US had histories of childhood abuse or abandonment.
12. *Children against children.* Especially in adolescence, children may engage in violence against each other, and against themselves, in the form of self-mutilation and suicide. As children develop into adolescents, their physical power and skills may surpass their psychosocial skills, increasing their potential danger to society, one another, and themselves. The lessons they learn may be perpetuated and become their behavioural norm vis-a-vis their own partners and children. The use of violence as a form of public entertainment and the impact on attitude and behaviour of "on-screen" violence is reported to be fourfold: First, we feel afraid, overestimating our own chances of becoming a victim of violent crime. Second, with repeated exposure, we become less affected by violence, because that is the only normal reaction to have. Desensitisation in turn means that we focus more on aesthetics of the violence and lose empathy with the victim being harmed. This can make children feel disassociated and distant as they kill, as if their actions are not real. Third, desensitisation may mean that we then need more excitement and stimulation to have a reaction. Finally, we may have greater feelings of aggression and seek out real-life violence.<sup>8</sup>
13. *Linkages.* It is increasingly evident that strong links exist between violence and exploitation within the household, and violence and exploitation elsewhere. Sexual exploitation, for example, may begin within the family, find commercial expression in the street, and be condoned or ignored by the authorities. That the existence of violent behaviour patterns in the home are cyclic, and can translate into the public and private behaviours of the abused adults, is a commonplace: abused children are more likely to abuse their future children and partners, and experiences of child abuse feature strongly among US juvenile offenders subjected to the death penalty. The links between violence and exploitation, and broader protection issues, are also noteworthy: children left parentless due to AIDS are more vulnerable to exploitation.<sup>9</sup>

## II. Challenges and Opportunities for Action

### Challenges

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against abuses, occurring within the family.

13 para 21, Vienna Declaration

14 "Renewing the United Nations: A Programme for Reform" - Secretary General's Report - 14 July 1997 (A/51/950). Paras 78-89, 194-196. Emphasis added.

14. By virtue of its worldwide membership, the UN provides a unique institutional framework to promote human rights and to develop legal, monitoring and operational mechanisms. A major task for the future will be to enhance the human rights programme and integrate it into the broad range of the Organization's activities, including in the development and humanitarian areas.<sup>10</sup>
15. States have agreed to be bound by international standards with regard to their treatment of children. However, while a number of these commitments are longstanding, the challenge of current efforts to place human rights at the centre of the work of the UN lies in encouraging greater reliance on, and dissemination of, these standards. By invoking these standards, we also help strengthen them and make them the currency of debate and discussion on child protection.
16. Globalization has become closely associated with certain trends and policies likely to fuel violence by widening inequalities and debilitating protective mechanisms – which in turn undermine respect for human rights. For example, the increasing reliance upon the free market is resulting in a significant growth in the influence of international financial markets and institutions in determining national policy priorities. The diminution in the role of the state and the budget it can allocate to the social sector requires the privatization of various functions previously considered within the exclusive domain of the state.
17. The Committee on Economic, Social and Cultural Rights called attention to the threats posed by globalization to human rights, stating that  
Taken together, and if not complemented by appropriate additional policies, globalization risks downgrading the central place accorded to human rights ... This is especially the case in relation to economic, social and cultural rights. The right of everyone to social security might not be ensured by arrangements, which rely entirely upon private contributions and private schemes. Respect for the family and for the rights of mothers and children in an era of expanded global labor markets ... might require new and innovative policies rather than a mere laissez-faire approach. If not supplemented by necessary safeguards, the introduction of user fees, or cost recovery policies, when applied to basic health and educational services for the poor can easily result in significantly reduced access to services, which are essential for the enjoyment of the rights.<sup>11</sup>
18. The state which is weakened by globalization – challenged by businesses, rebel groups, and international criminal syndicates – has diminished capacity to ensure compliance with international human rights standards. Governments may, moreover, take a laissez-faire approach to some abuses, such as the flouting of labour standards, which provide visible benefit to the national economy. Human rights violations by non-state actors are harder to document, and to bring to book. The use of technology and the porous nature of borders have also weakened the ability of the state to exercise control.

19. Globalization also means that the impact of global activities is felt almost immediately at the local level – a level that may not have any mechanisms to deal with or buffer the impact. The global trade in small arms has facilitated child soldiering everywhere. Internet pornography has stimulated child sexual exploitation, tourism and trafficking. Multinationals move into poorer countries and are able to engage in sub-standard employment practices.
20. The changing nature of the family is a challenge as well. There is no doubt that nuclear as well as extended family structures are in flux. Rapid urbanisation, forced migration to seek employment, armed conflict and the HIV/AIDS pandemic are challenging current concepts of the family, as well as families' traditional coping mechanisms. However, the family remains the fundamental unit of society, through which the early development, protection and socialisation of the child is assured. As underlined by the World Conference on Human Rights, the child should, for the full and harmonious development of his or her personality, grow up in a family environment, which accordingly merits broader protection.

### **Opportunities**

21. *International standards* - Initiatives to combat violence, abuse and exploitation affecting children are strongly buttressed by international standards. The most comprehensive standards are set out in the Convention on the Rights of the Child. Their utility lies not only in the way they are articulated, but also in the near-universal ratification of the CRC, and the machinery with which state compliance is reviewed. All the CRC rights, including the child's right to protection from all forms of violence (Article 19)<sup>14</sup> are to be read in the context of the general principles of the Convention.
22. International law is being developed in several areas important to child protection. Two draft protocols to the Convention on the Rights of the Child – on sexual exploitation and on the minimum age for military recruitment and service – are being developed. The International Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction is expected to come into effect soon, and a draft Convention on suppression of the worst forms of child labour is being reviewed.
23. There is a wealth of additional relevant international law. In respect of armed conflict, the four Geneva Conventions of 1949 and the Protocols of 1977 regulate the behaviour of combatants and the treatment of civilians and non-combatants, including children, in conflict. The Convention relating to the Status of Refugees, with some 140 signatories, addresses the protection to be accorded to refugees, above all that they not be returned to a country where they fear persecution. The 1954 UN Convention on the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness, offer important protection in ensuring that children are given a nationality. The ILO Minimum Age Convention (1973) regulates children in the workforce. Regional human rights

instruments include the American Convention on Human Rights (Pact of San Jose) and the European Human Rights Convention, both of which include individual complaints procedures. The International Covenants of Economic, Social and Cultural Rights, and on Civil and Political Rights, contain human rights minima.

23. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, which among other provisions calls on States to take all appropriate measures to modify social and cultural patterns of conduct so as to eliminate stereotyped roles and notions of the superiority of one sex, has a significant number of ratifications, but is also described as the international treaty with the highest number of reservations in the world. This Convention also calls for the elimination of practices that impair women's well-being – such as the 'harmful traditional practices' of FGM, early child marriage, and female infanticide.<sup>15</sup> UN Rules for the Protection of Juveniles Deprived of their Liberty, and the UN Standard Minimum Rules for the Administration of Juvenile Justice, while not binding, provide generally accepted guidance in these areas.
24. *Compliance and monitoring mechanisms.* Six international human rights treaties, including the CRC, have Committee mechanisms reviewing State reports and commenting on these. In different ways, the ILO and UNHCR also supervise international human rights standards. A small number of regional compliance mechanisms exists. The institution of human rights rapporteurs, and the Special Representatives of the Secretary General (on internally displaced persons and on children in armed conflict) are also examples of mechanisms in this context, as well as being powerful advocates for improved respect for human rights standards. International NGOs, notably including Amnesty International and Human Rights Watch, should not be forgotten in a review of compliance-oriented work.
25. *Global awareness.* The 1990s have witnessed an unprecedented number of international conferences, illustrating commitments to safeguard human rights, and to put an end to human rights violations. Children's rights have been incorporated in conference platforms, agendas for action and declarations. For example, the World Conference on Human Rights has declared that "...International cooperation and solidarity should be promoted to support the implementation of the Convention and the rights of the child should be a priority in the United Nations system-wide action on human rights."<sup>16</sup> Agencies of the United Nations and NGOs have sought to keep these commitments alive. The international women's movement, which has forced the world to recognize that "women's rights are human rights", has kept the heat on the issue of gender-related violence. Gender-related violence has, since the war in former Yugoslavia in particular, entered the domain of international humanitarian law and international refugee law – and the work of concerned agencies in the field. UNICEF has engaged in major global advocacy efforts to improve protection of children in war and to eliminate child labour, by dedicating two consecutive "State of the World's Children" Reports to these issues. It has promoted an "anti-war" agenda, and played a central role in the Graca Machel study.

26. *The new centrality of human rights to international relations* has been highlighted by the Secretary-General of the United Nations in his reform report, in which he stated that “Human rights are integral to the promotion of peace and security, economic prosperity, and social equity... Accordingly, the issue of human rights has been designated as cutting across each of the four substantive fields of the Secretariat's work programme.”<sup>12</sup>
27. Although globalization is a challenge, none of the globalization policies in themselves are necessarily incompatible with the principles of human rights. While it seems that a single-minded focus on economic growth can make fulfillment of human rights an unaffordable luxury for large segments of societies, it has also become apparent that without ensuring political stability and investing in human development and democratic institutions, economic growth will not be sustained. Moreover, in a shrinking and more interdependent world, stagnation and crises are quick to cross borders. Developments in technology, communications and information processing, on the other hand, have the potential to become key supporting safeguards in the process of building the culture of human rights.
28. The family presents itself as an opportunity and a challenge on many fronts. Regardless of its structure, the family is often the source of violence and abuse against children and women. Incest, beating, dowry death, and requiring children to work long hours under harsh conditions are not atypical abuses occurring within the family. It is important not to idealise the past and blame the “breakdown of family structure” for violence. The changing nature of the family also represents a new opportunity to redress behaviours conducive to violence. It is through support strategies that are responsive to the changing family that the space for such dialogue could be built.

### III. UNICEF's Priorities

#### **Validated Programme Approaches and Suggested Responses**

29. Designing systematic and coherent responses to issues of violence, abuse and exploitation is not easy. The causes are complex and interlinked and UNICEF's analysis and understanding of these issues are still developing. In addition, many of the problems and possible responses cut across traditional UNICEF structures and categories and specialization, illustrating the need for flexible and creative responses.
30. In seeking to create a framework for global response, within which UNICEF will define its own response, one has to define categories and levels of action. Inevitably, these will be somewhat arbitrary and artificial and may have to be stretched a little to apply to every possible situation which UNICEF staff will have to face. However, experience shows that it is useful to try and conceptualize and systematize approaches, even at the risk of oversimplification.
31. There are a number of possible approaches to categorization of response: responses could

be divided into *legislation, policy and practice*, or look at the phasing of interventions: *prevention, protection and recovery*. Yet another approach, reflecting comments made earlier in the text, could look at UNICEF's locus of response: *family, community, national, or international*.

31. The following matrices have chosen *phasing* and *locus* as the systemic global framework within which we seek possible UNICEF interventions in response to abuse, exploitation and violence. *These matrices are not meant to be comprehensive or all-encompassing, but to illustrate a possible format for UNICEF programming and advocacy*. They are not a substitute for a formal work plan, which would define partners and budgets and timing. They do not solve problems of prioritising. "Prevention", for example, can take place at many different levels. When one looks at preventing the recruitment of children into military forces (Table 1), should UNICEF concentrate on strengthening international and national legislation and its implementation? Or should it focus more efforts on campaigning against small arms trading which enables children to take up arms? Or should it engage in more political efforts to end war, to promote negotiated settlements on the grounds that, until war is stopped, children will be confronted by unacceptable levels of abuse? Or all three?
32. In addition, it is important to note that the matrices identify programme approaches which are essential for the protection of children. They will include activities which UNICEF staff carry out; activities supported by UNICEF (financially, materially, technically) but carried out by third parties; and activities which UNICEF advocates for.

### Violence against Children: The Case of Child Soldiers.

	Family/community	National	International
Prevention	<ol style="list-style-type: none"> <li>1. Promote integrity of family to prevent breakdown.</li> <li>2. Promote access to and continuity of educational opportunity.</li> <li>3. Ensure registration/identification documents for those most at risk.</li> <li>4. Identify those children most at risk - unaccompanied, street children, etc</li> </ol>	<ol style="list-style-type: none"> <li>1. Advocacy to raise age of recruitment for all parties to conflict - both legal standards and practice.</li> <li>2. Educate military on all sides re existing standards from CRC, IHL and other international standards</li> <li>3. Monitoring, documentation and reporting of all incidents of under-age recruitment and other human rights abuses</li> </ol>	<ol style="list-style-type: none"> <li>1. Advocacy to promote improved legal standards (OP to CRC) - support to Child Soldiers Coalition</li> <li>2. Campaign for ICC with definition of under-age recruitment as a war crime.</li> <li>3. Campaign on manufacture and flow of small arms and linkage with issue of child soldiers.</li> </ol>
Protection	<ol style="list-style-type: none"> <li>1. Family tracing and reunification</li> <li>2. Interim foster care if necessary - prevent institutional approaches</li> <li>3. Ensure participation of child in design of programmes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Demobilisation of children from armed forces - ensure transfer from military to civilian structures</li> </ol>	<ol style="list-style-type: none"> <li>1. Advocacy at level of UN, Security Council and other int'l fora to place child soldiers and their protection on international agenda (e.g. recent SC debate)</li> <li>2. Ensuring that demobilisation of child soldiers and their rehabilitation is part of peace agreements - in context of human rights concerns</li> </ol>
Recovery	<ol style="list-style-type: none"> <li>1. Follow up to reunification or family placement</li> <li>2. Promote/ensure access to educational and vocational training opportunities through community integrated approach.</li> <li>3. Integrate/facilitate traditional healers to support reintegration of children into their communities</li> <li>4. Promote awareness and understanding of parents on psychosocial impact and reintegration needs.</li> <li>5. Ensure access of children to psychosocial support</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensuring necessary legislation and policy re reunification of children and promotion of physical and psychological recovery</li> <li>2. Promote awareness/knowledge of teachers, social workers, health workers on psychosocial impact and reintegration needs of returning child soldiers.</li> <li>3. Develop long-term collaboration with UN agencies, NGOs</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure/advocate for ongoing funding and carry over to long-term reintegration.</li> <li>2. Develop long-term collaboration with UN agencies, NGOs,</li> </ol>

## Exploitation of Children's Work: Child Labour

	Family/Community	National	International
Prevention	<p>1.Promote birth registrations</p> <p>2.Promote access and quality of education</p> <p>3. Identification of children at risk through improved data collection in which children and communities participate</p> <p>4.Economic support to at risk families</p> <p>5.Promote awareness of workplace hazards through the curriculum and in the community</p> <p>6. Development of self protection devices through forms of children's participation</p> <p>7. Community monitoring of work place abuse</p>	<p>1.Child Labour Policy and Plan</p> <p>2.Universal and Compulsory Primary Education</p> <p>3.Poverty reduction as a development priority</p> <p>4.Strengthen labour inspectorate and enforce labour legislation</p> <p>5.Strengthen trade union organisation as watchdogs for child labour abuses</p> <p>6.Promote corporate codes of conduct</p> <p>7.Strengthen NGO and human rights organisations and their advocacy efforts</p>	<p>1.Advocacy to promote ratification and implementation of Convention 138</p> <p>2.Advocacy to promote the adoption of the new ILO Convention on the worst forms of child labour</p> <p>3.Use of UN fora to promote time bound national plans of action and global goals for elimination</p>
Protection	<p>1.Protected work schemes</p> <p>2.Learning with earning programmes</p> <p>3.Working children's self organisation</p>	<p>1.Child labour adjustment programmes transitioning children out of work industry-by-industry</p> <p>2.Non-formal educational arrangements</p>	<p>1.Inter-agency cooperation to develop responsible transitional programmes</p>
Recovery	<p>1.Access to psycho-social support</p> <p>2.Promote access to educational and vocational opportunities</p>	<p>1.Develop policy support to diverse but equal educational channels</p>	<p>1. On going funding support for social reintegration of the victims of the worst forms of child labour</p>

Framework for Action: against child labour



## Urban violence against “street children”

	Family/community	National	International
Prevention	<p>1. Identify communities/families with potential of “expulsing” children to the streets – using GIS, spatial mapping and risk and vulnerability analysis.</p> <p>Promote economic and social targeting to increase protective capacities of these at-risk families/communities</p> <p>Promote family- enabling measures to ensure access to continued and meaningful education opportunities for children and adolescents.</p> <p>Promote creation of “safe spaces” and organisation of creative and supervised “free-time” activities for children and adolescents.</p>	<p>2 Advocacy and social mobilisation for legislative and institutional reforms aiming at breaking the cycle of impunity.</p> <p>Promote formulation of National Plan to Prevent and Reduce violence against children and establishment of national machinery, including objective and credible vigilance system.</p> <p>Promote people’s awareness of their legally codified rights and enable their capacity to claim their legal entitlements – (i.e. to birth reg. schooling.)</p> <p>2 Promote building of knowledge and shared understanding of urban violence phenomenon to uncover cultural aspects of violence, discrimination practices and racism.</p> <p>Promote the inclusion of “citizenship formation’ and sexual education within education curricula</p> <p>Promote building of “social pacts” against violence and of “social control” mechanisms.</p> <p>2 Build institutional capacity for establishment of the System of Rights Guarantees – to ensure rights and access to services for at-risk families</p>	<p>1. Advocacy for support of independent, credible vigilance and reporting system for - periodic hearings, thematic discussions</p> <p>1. Advocacy with financial institutions and bi-laterals for refining social targeting in favour of at-risk groups.</p>
Protection	<p>1 Trace families of children working on the streets and ensure their commitment to enhanced protection through enabling measures. – Re) strategies 2 – 4 under prevention.</p> <p>Identify homeless children and ensure fostering or other family-like care arrangements</p> <p>Ensure children’s participation in decision making</p>	<p>1. Promote establishment and capacity building – including with regard to evidence gathering- of public defenders offices in Child and Juvenile Courts.</p> <p>Advocate for establishment of systems for complaints and inquiries.</p> <p>1. Identify “problem” structures within judiciary and social services and promote their transformation into “protective” force by training, and by linking “code of conduct” to system of accountability.</p>	<p>1. Advocacy and capacity building of Regional Legal Associations related to Juvenile Justice Systems</p>

Recovery	<p>1 Follow-up care arrangements, ensure adult-child trust building and education and professionalization opportunities.</p> <p>Identify children in conflict with law and those exploited in commercial sex industry.</p> <p>Promote awareness on psychosocial impact of abuse and violence and ensure access to support.</p>	<p>1. Promote legislation, care -standards and social policy favouring re fostering.</p> <p>Promote building of network of agencies able to respond to and care for victims of sexual exploitation.</p> <p>Promote legislation de-criminalizing child victim and regulations for turrets agencies, hotel chains, and truck and taxi drivers.</p> <p>1. Build capacity of Juvenile Justice System and promote socio-educational measures, such as community service option for adolescent offenders</p>	<p>1. Advocacy campaign For abolishment of dead penalty for juvenile offenders (with Religious bodies, i.e. WCC.)</p>
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### **Key Results for Children - UNICEF's Priorities and Targets**

2. In taking a holistic view of child protection, and in promoting the Convention on the Rights of the Child, Unicef should deepen its involvement and broaden its expertise in the areas of 'violence, abuse and exploitation' in which it is already engaged, specifically children in armed conflict, sexual exploitation, child labour, juvenile justice and childhood disabilities, as well as breaking new ground in respect of violence and abuse of children, notably in the home, in jails or remand centres, orphanages, and schools (possibly in partnership with WHO).
3. Using the matrix contained in this paper (and applied to child soldiers, child labour, and urban violence/street children), different types of actions emerge at the level of family/community, the national, and the international levels. These actions include programmatic and advocacy activity. Given the importance of programmatic activities at the national and family/community levels, the integration of protection awareness into other sectors (especially health and education) is extremely important.
4. Unicef's agenda beyond the year 2000 in respect of violence, abuse and exploitation stretches well beyond the WSC goals, which – while underlining the need to save the lives of children because the causes of their death are readily preventable – is oriented towards addressing disease and poverty. References to 'violence' relate to armed conflict, and exploitation, to child labour. These are important, but our goals for ending violence against children can and should be taken further. Violence, abuse and exploitation do not occur in a wholly arbitrary and unrelated manner in children's lives, as this paper has illustrated: their tolerance and encouragement in one sphere of life is likely to be reproduced in others, whether at home, in school, as a form of entertainment, as acceptable punishment, as a rite of passage, as a military obligation, as a role model to which to conform. Drawing attention to this aspect of violence, with appropriate data, may be one of the most valuable services Unicef can render.

5. Unicef should seek to prevent violence against children and women by
- At the family/community level: strengthening its social unacceptability; identifying those most at risk; working with teachers and medical facilities to reinforce unacceptability of violence; communicating with parents and children importance of non-violent methods. Improve data collection and birth registration. Encourage children's participation.
  - At the national level, Unicef should advocate for: raising age of recruitment, monitoring mechanisms which would alert to signs of abuse, greater awareness of right to be protected against violence and exploitation, including in the home, strengthen NGOs and advocacy groups. Unicef should promote legislation which criminalizes violence against women and children.
  - At the international level, Unicef should continue to pursue its "antiwar agenda": support for the Machel study follow-up, advocacy against arms trade, putting other forms of violence on the political agenda, either through the appointment of a rapporteur, through an international conference, or through consistent advocacy (domestic violence and violence occurring in institutions), strengthening relationships with concerned NGOs as well as with the Committee on the Rights of the Child to bring out new issues. Unicef should advocate promotion of the new Convention on the worst forms of child labour, and on Protocols to the Convention, especially on the age of military recruitment. Unicef should strengthen links with WHO and ILO in respect of the medical aspects of violence and abuse, and on child labour, respectively. Unicef might also explore links with the UN Criminal Justice Division in regard to the increased international trafficking of children. Unicef should support institutions and campaigns which seek to document the impact of commercial violence on behaviour. Unicef should support codes of conduct; work for ratification of the landmines convention & related educational initiatives; broaden our own range of interlocutors; and support the current anti-small arms trade initiative. As a global goal, end the death penalty in cases of juvenile offenders.
2. Unicef should seek to ensure protection from violence, abuse and exploitation through
- At the family/community levels, intervene to increase protective capacities of families; strengthen or support mechanisms for the community's own monitoring purposes; support rights awareness campaigns.
  - Support for drop-in centres/alternatives for children scared to return home; establish "safe spaces", including schools. Support for children/adolescents (as well as men and women) who wish to combat these issues collectively.
  - At the national and international levels, researching and gathering improved data on the loci of violence (family, police stations, orphanages, against marginalized)
  - Intervening to secure improved legislation, recognition of violence, abuse and exploitation as crimes
  - Encouraging refugee protection for children abused and persecuted (and unprotected) in their own countries.
3. Unicef should assist recovery from violence, abuse and exploitation through
- At the family/community levels, improving its own programming skills in the areas of addressing trauma and psychosocial needs

- Help establish spaces where violence, abuse and exploitation can be discussed (also by victims/survivors)
- At this and the national level, promote legal redress mechanisms which are accessible to women and children
- At the national level, encouraging children's participation, promoting aspirations to non-violence and the concepts of human interdependence and working together; gender equality;
- At the international level, working for demobilisation and reintegration; spreading understanding that such work requires long-term investment; inclusion of child soldiers in peace treaties.

2. Suggestions for special initiatives could also include:

- **Support to swapping of “debt” for the Systems of Rights Guarantees.** Since the report of the Commission on Global Governance, in early 1995, a conceptual shift from “state security” to “human security” has gained currency as a standard that dignifies human life, including protection from ignorance, sickness, hunger, neglect, persecution and violence. As rights are an entitlement, and are standards to which all governments have expressed their commitment, it is Unicef's task to help and guide governments in fulfilling those international commitments.
- **Championship of role models** for children with disabilities (breaking the feeling of isolation, acknowledgment of resourcefulness..)
- **Code of Conduct** that embodies children's and women's rights for UN employees. A degree of mainstreaming of human rights within the general activities of the UN system has already taken place. In the day-to-day activities of UN employees and agencies, even those with clear responsibilities for contributing to human rights protection, knowledge of human rights standards and accountability for their own performance remain weak .
- **Addressing processes/conditions** that are turning children into vectors of violence, rather than zones of tranquility - **spotlighting children in jail, with Office of the HC for Human Rights, ICRC, and Vienna.**
- **Follow-up to Oslo and Stockholm** agreements. - the burgeoning of flexible alliances and coalitions between NGOs, like-minded countries and UN agencies exemplified by the International Convention to ban landmines.
- **In emergency situations, trying to secure “child-centred agreements”** drawing on shared commitments to the protection of children.
- **Assembling data on child victims of domestic violence.** Along with this, breaking the wall of silence in case of domestic abuse or institutional violence. Possible **conference on violence against children: in the home, on the street, and in institutions.** State must be held responsible for violence in the ‘private’ sphere through acts or omission that abrogate its responsibilities - such as failures to enact or enforce legislation, or policies that make violence and abuse acceptable. Violence in the public sphere is more readily recognised as an area of State responsibility, whether through actions or inaction of public officials and institutions, including schools, orphanages, prisons, the military, and the police. **With WHO, engaging medical profession commitment to address abuse against children. Gathering political support for bringing these issues out of the closet.**

- **Support to International Code of Conduct on Arms Transfers** – promoted by Oscar Arias Foundation and endorsed by Nobel Peace Laureates – as well as a conference and related activities spearheaded by Canada, Norway and “like-minded countries” **on the small arms trade** are directly relevant to children and armed violence.

A Unicef logo that shows a man as well as a woman with a child?

## **Annex 1: CASE STUDY**

### **Brazil - Strategies and lessons learned from rights-based initiatives aimed at combating urban violence against children and adolescents**

For the last ten years, UNICEF Brazil's support of agencies and initiatives aimed at combating urban violence against children and adolescents has been an integral part of organizational work for fulfilment and protection of children's rights. This work can be viewed at three dynamic and interrelated strategic levels: legislative reform, institutional reform and improved service provision.

#### **Legislative reform**

The crucial cycle on national legislative reform started in 1988 with a broad recognition of children's rights in the new Constitution and culminated in Brazilian Children's Statute of 1990. The Statute is viewed by some as the most advanced child right legislation in the world, not only in terms of its embodiment of the paradigm of full protection, but also in terms of creating mechanisms for democratic participation for its implementation – the Rights and Guardianship Councils. The Councils are joint government/civil society bodies to function at federal, state and municipal levels. The main aim of the Councils is to monitor children's rights and to articulate public policies. The basic tools for implementation of rights – legislation and mechanisms are thus in place.

During the legal reform process, UNICEF's role was one of providing **technical assistance and data** to National Commission on the Child and Constitution and of **supporting broad alliance building** among government entities, religious institutions, and NGOs. Among NGOs, the National Street Children Movement played a crucial role in social mobilisation - in response to increasing marginalization and violence against poor children in urban areas.

The problems of marginalized urban children gained unprecedented national visibility when **500 children who participated** at the 1986 National Street Children Congress, demanded an end to institutional and police violations and made an impressive claim for full citizenship, including the right to education, etc. The phenomenon of urban violence against children and youth began to be studied and denounced by local and international entities. Official child mortality rates (IBGE 1989) showed that homicide and suicide are the main causes of death among adolescents in Brazil. A pioneering study (MNMMR, 1991) on crimes committed against children on the streets of Rio de Janeiro, Sao Paulo and Recife disclosed that 457 children were murdered between March and August 1989. Only 11 had police records. The overwhelming majority had known address and lived with their parents. None was known to have ever carried weapons. Few of these cases were ever solved.

#### **Policy development and institutional reform – transformation processes**

After the adoption of Children's Statute, the focus of UNICEF support shifted to policy development and institutional reform. A major challenge to policy reform was often public opinion and the **attitudes** and unofficial **behaviour** of officials and staff in law enforcement, juvenile justice and service institutions. State agencies as well

as NGOs had to reconsider their mandates, goals and strategies.

**Enhancing people's confidence in the rule of law, increasing people's awareness of their legally codified rights, effecting structural changes to break the cycle of impunity, increasing popular participation in the democratic process** – are being seen as necessary transformations to ensure defence of all rights.

Building the **knowledge base and shared understanding** of the phenomenon of urban violence and impunity is crucial for the development of responsive strategies. The recurrent themes are:

-**Citizenship** and particularly the long history of denial of it (e.g. rights) to large sectors of society, is linked to the phenomenon of individuals taking matters into their own hands – and an evidence of a lack of confidence in the rule of law, as well as of a lack of a sense of collectivity or “citizenship.

-**Cultural aspect of violence** – the phenomenon of urban violence against children can not be only explained by socio-economic factors. While it is evident, that the poor and often minority children are those who suffer most as victims, the little popular indignation over this brutality can be seen as a cultural phenomenon. The popular opinion often favours the imprisonment and even killing of street children, who have been widely portrayed as thieves, involved in street gangs and drugs. The “culture of violence” is also referred to as a product of dictatorship.

-**Racism** – this important, but rarely-studied theme has been addressed in a survey of children working on the streets in Rio de Janeiro, which has included ethnic origin of children and found that almost three quarters of the sample were either black or mulatto.

Broad social mobilisation campaigns were launched to promote concepts of rights and information about legal entitlements and venues to solve the problems. Demonstrating that positive and cost-effective solution, such as socio-educational measures can reduce the incidence and re-incidence of adolescent crime is counteracting negative public opinions.

### **Transforming “problem” structures into “responsive” structures**

#### **Security forces**

Two police branches (military and civil) are subjects to different justice systems, one to the Secretary of Public Security and the other to the General Inspectorate of Military Police, which is under Armed Forces. The responsibility of the Civil Police are to investigate crimes and to provide evidence in courts, while the Military Police maintains internal security and public order and controls crime on the street. The relations between the CP and MP are tense. The evidence most clearly points to the MP continued, unpunished involvement in urban violence (both on- and off-duty). Their enjoyment of special legal impunity points to other structural problems within the Public Ministry and the Judiciary. In spite of the adoption of a new constitution, the legislation drafted during the dictatorship, which granted broad impunity to the MP, remains in force.

**Initiatives for reducing police violence and interrupting the cycle of impunity have originated both from within the police forces and from without.**

#### **From within:**

- A number of training initiatives aimed at changing the **self-image** of MP from enforcers of social control to public servants. The training manuals and handbooks include topics on new constitution and Statute, the reasons for legal reform, review of new roles of all involved in Statute implementation, stressing the MP own interests to become a protector of the country most valuable resources: children and youth. References are made to reports of Amnesty and news clippings with regard to their external image, which does not serve them. Manuals also include the penal rights of children and highlight the penalties MP can incur for violating these rights. To change the MP's **image of children**, the National Movement for Street Children has instituted exchange education programmes with the MP Training Centre.

UNICEF provides technical support to these training initiatives.

- **To instil sense of responsibility and accountability** – through imposing certain controls on the MP, such as obligatory register of pistol and bullets when on-duty, account for the shots fired, systematic records of crimes/cases solved.

**From without:**

To break the cycle of impunity, **drafting of ordinary legislation** was initiated to define the role of Public Ministry and public defender vis a vis military police. UNICEF facilitated alliance building and networking to bring about the pressure for the fulfillment of legal drafting obligation as required by the new constitution.

In addition, the **capacity** of Public Ministry had to be strengthened to exercise procedural justice as mandated by the constitution. UNICEF supported technical training in evidence gathering techniques for centres of defence.

The establishment and functioning of **national machinery** for promotion, protection and monitoring of children's rights at federal, state and municipal levels is a long-term process. Among one of the first initiative of the National Council was the national Plan to Prevent and Reduce Violence against Children, which is fundamentally a public policy tool with limited budget to support selected actions, such as functioning of defence centres. Based on the Plan, state level commissions and vigilance systems to combat violence were to be established in all states and emergency action launched in the six states with the highest level of violence. The emergency actions include establishment of functioning public defenders offices in all specialized courts aimed at youth.

8 years after the Statute's adoption, all 27 states have established functioning Councils, however the number and performance of municipal Councils is not clear. UNICEF supports continuous capacity building through training, research, facilitating of horizontal exchanges and networking. Similar support is provided to Child and Juvenile Courts, including Public Defence System.

UNICEF also supported the training of personnel in the management of objective and credible **vigilance system, which is** a crucial tool for braking the cycle of impunity.

The findings are used to change public perceptions, to follow-up on individual cases, to monitor the CRC and report to the Committee, to uncover and combat racism and to promote necessary legislative and institutional changes.

UNICEF is also most active in **developing and strengthening special protection measures, which are** crucial for ensuring the paradigm of full protection instilled by the Children's Statute. A small example is socio-educational measures, such as community service option for adolescent offenders, which have proven to decrease recurrence.

**Improved service provision to children and families in situation of risk – as additional preventative measure**

UNICEF's role has considerably shifted from support to service delivery to **building partners' capacities** for policy analysis, strategic planning, resource mobilization and programme formulation and evaluation.

To ensure that gender issues are addressed properly throughout the country programme, a **gender checklist** is being applied in revision of all proposed initiatives. Most clearly, there are examples of gender-sensitive approaches within education, health and elimination of child labour programmes.

With regard to sexual violence and exploitation of children, UNICEF played a fundamental role in putting the issues on the national agenda.

**Sexual violence:** a network of agencies able to respond and care for those denouncing sexual exploitation and abuse was built. Mapping of the problem included identifying the lack of public policies to deal with a range of rights denied to affected children. The full protection approach was articulated to inform Children's Rights Councils work in development of public policies. Broad social mobilisation campaign included potential perpetrators, such as truck and taxi drivers, military police.

Among results are: improved systems for complaints and inquiries, establishment of reference unit for victims of violence, set of innovative methodologies for the process of recovery and reintegration and for identification and analysis of domestic sexual abuse, obligatory sexual education in schools, improved legislation and regulation for tourist agencies and hotel chains.

**Elimination of child labour, protection of working adolescents and intervention in family income:**

Articulation of partnership by bringing together government and civil society in the National Forum for the Elimination of Child Labour was possibly UNICEF's single most important initiative. State Forums are also being established where the magnitude of the problem is the highest.

Through Child Rights Council system, the national debate resulted in re-definition of child labour in terms of denial of the rights, particularly to education and also one in which the health/capacity of the family – both economically and otherwise is crucial.

The approach to the child labour problem was developed from the point of view of the whole child – and to taking into account rights to physical integrity, health, education, leisure etc.- different sectorial components needed to be put together.

In understanding the key preventative and protection role of families, the focus of intervention is being placed on the family rather than just the child and on at-risk families rather than limiting attention to families with children working already.

To ensure the right to education to children from at-risk families, Social Assistance Secretariat has established a system of school scholarships. In addition, for child workers that have missed out on education opportunities, compensatory measures, such as acceleration courses are being designed.

In addition to strengthening of labour inspection and punishment mechanisms, social pact for the elimination of child labour from the chains of production, was also established through Child Friendly Company initiative – as a mechanism for social control.

In conclusion:

Examination of UNICEF initiatives through three strategic levels: legal reform, institutional/policy development and reform and service provision could be done also through examination of four basic strategic lines: i) advocacy, ii) institutional capacity building, iii) social mobilisation and iv) support to improved service provision. Either examining modality has limitation in capturing constant interplay and mutual reinforcing effects of strategies in question.

For example, advocacy, which uses findings from national and local diagnostic-type research, has proven to be a crucial ingredient for social mobilisation and articulation of partnerships, which in turn affect public policies in favour of children.

Social mobilisation with regard to child labour which has focused on the denial of the right to education and development –the right to future, has been effective in provoking innovative responses for improved service provision.

Institutional capacity building through support to Health, Education Councils, Ministry of Social Security and of Justice is the key in establishing the System of Rights Guarantees, which is vital for improved service provision.

Resources:

- 1) Brazil Country Programme Mid -Term Review, Evaluation of the Child Rights Programme, Alison Sutton, Brasilia D.F. , November 1997
- 2) UNICEF's Role in "Combating Urban Violence against Brazilian Children and Adolescents", Ilene Cohn, March 1992
- 3) Urban Children in Distress, Brazil: A New Concept of Childhood, Irene Rizzini at al., ICDC, 1993



**Annex 2:**

**Convention on the Rights of the Child**

**Selected articles relevant to protection from violence, abuse and exploitation**

**ARTICLE 6, the right to life and maximum survival and development:**

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

**ARTICLE 2, non-discrimination**

State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status. (para 1)

**ARTICLE 19, the right to protection from all forms of violence:**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### **ARTICLE 34, on protection from sexual exploitation and sexual abuse:**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;

The exploitative use of children in pornographic performances and materials.

#### **ARTICLE 37 on torture and other cruel, inhuman or degrading treatment, and on penal sanctions**

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in

conformity with the law and shall be used only as a matter of last resort and for the shortest appropriate period of time;

- (b) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**ARTICLE 32, on protection from economic exploitation:**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

**ARTICLE 38, on protection in armed conflict:**

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
  3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
  4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

**ARTICLE 39, on physical and psychosocial recovery:**

States Parties shall take all appropriate measures to promote physical and psychosocial recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**ARTICLE 40, on juvenile justice:**

1. States Parties recognize the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's' assuming a constructive role

in society.

1. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

- (a) No child shall be alleged as, be accused of, or recognised as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
- (b) Every child alleged as or accused of having infringed the penal law has at least the following guaranteed:
  - (i) To be presumed innocent until proven guilty by law;
  - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
  - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial authority in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interests of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
  - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
  - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
  - (i) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
  - (i) To have his or her privacy fully respected at all stages of the proceedings.

1. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised

- as having infringed the penal law, and, in particular,
- (a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - (a) wherever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
    - 1. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and to the offence.