

CHILDREN'S LAW CENTRE
ANNUAL LECTURE
2011

*“Protecting Children from Violence,
a Human Rights Imperative”*



Professor Marta Santos Pais
Special Representative of the UN Secretary-General
on Violence Against Children

Chair
The Honourable Mr Justice Treacy

Belfast, Wednesday 23rd March 2011





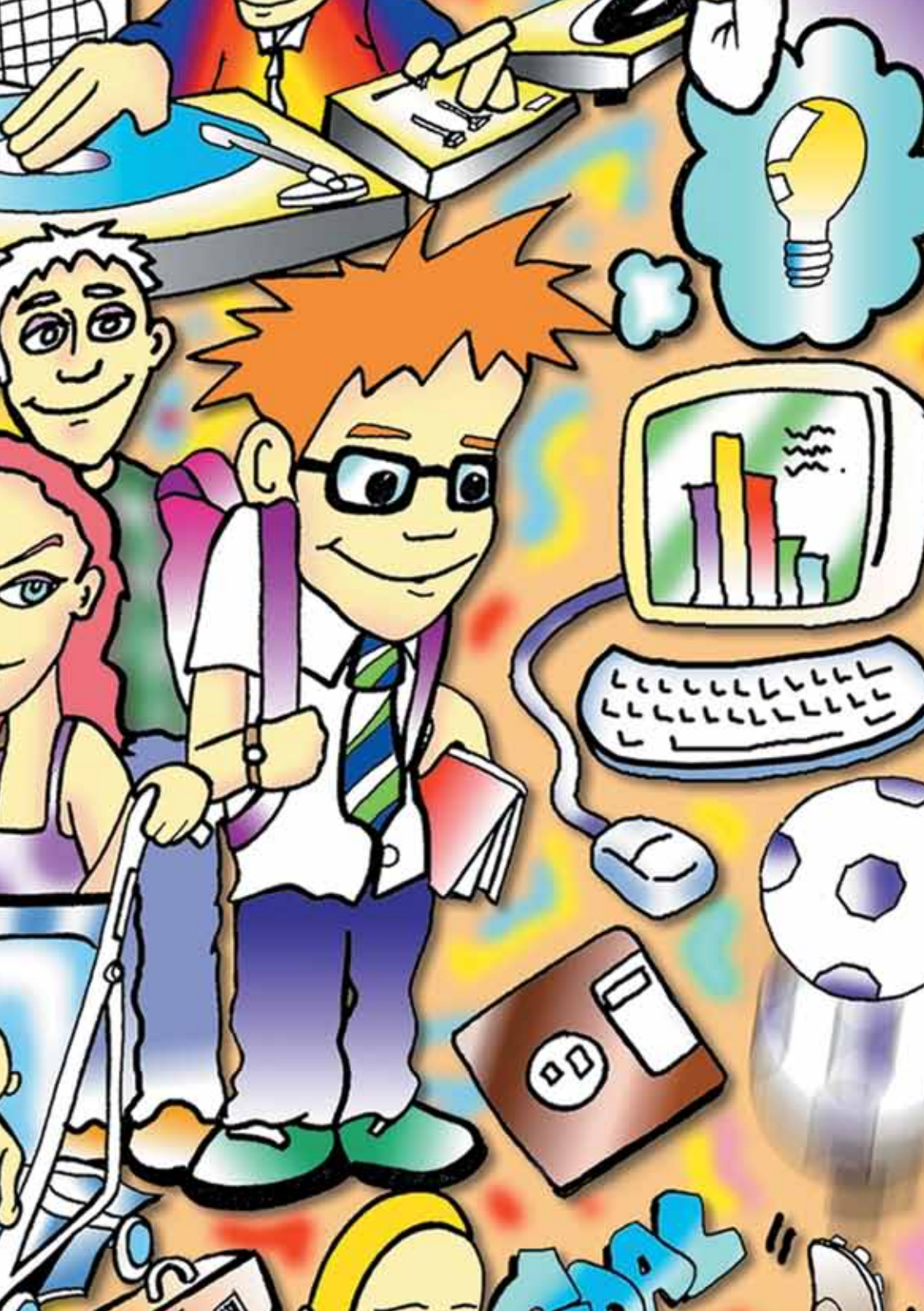
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ANNUAL LECTURE WELCOME

Paddy Kelly

Director, Children's Law Centre

Lord Chief Justice, members of the judiciary, colleagues, friends, on behalf of the Children's Law Centre I would like to welcome you to our 2011 Annual Lecture.

Professor Santos Pais, may I on behalf of everyone in the Children's Law Centre and our friends and colleagues here today, extend to you a very special and warm welcome on this your first visit to Belfast.

We are very grateful that you have found time in between meetings at the UN in New York and Geneva to be with us to deliver our sixth Annual Lecture.

I remember the first time I met you. It was my first visit to Geneva and the occasion was the first examination of the UK government by the UN Committee on the Rights of the Child in 1995. You were at that time Rapporteur of the Committee and one of the Vice Chairs.

One of the things that struck me at that time and has stayed with me since, was the engagement of members of the Committee with those of us from NGOs who had travelled to Geneva for the examination. The message from the Committee was that the UN Convention on the Rights of the Child was a living, working document. A human rights convention, the realisation of which was a collective responsibility shared by the UN Committee on the Rights of the Child, government, policy makers, politicians, lawyers, judiciary and NGOs.

In your subsequent work with UNICEF and in the important work which you are now undertaking as the UN Secretary-General's Special Representative on Violence against Children, that commitment to partnership working to realise children's rights remains strong. However, your leadership in that work is vital to ensuring that children enjoy the special time of life that is childhood, without fear, pain, suffering and violence and live to realise their full potential. In that, your mission is central to the implementation of the UNCRC.

Regrettably in this jurisdiction, despite the recommendations of the UN Committee on the Rights of the Child in 1995, 2002 and 2008, our children do not live free from violence.

Despite the UN Committee's recommendation in 2008 that our government:
"prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland,"

Legislation in Northern Ireland continues to provide the defence of reasonable chastisement as a defence to a charge of common assault tried summarily.

An average of three sex offences against children was recorded here every day between 2008 and 2009 by the PSNI. These are only the cases which are reported. Statistics show under 18s were victims of sex crimes, including rape, indecent assault and indecent exposure on 1,084 occasions during 2008-09. Almost 10% (89) of the children were aged four and younger - not old enough to go to school.

Every year in Northern Ireland domestic abuse results in over 6,000 assaults, around 700 families having to be re-housed and tragically each year several deaths occur. It is estimated that in excess of 11,000 children here are living with domestic violence. Research has acknowledged that this figure is likely to be just the tip of the iceberg.

Despite our peace process children continue to be the victims of paramilitary style attacks and PSNI statistics indicate that over the last few years such attacks are worryingly on the increase.

The UN Committee on the Rights of the Child have made a number of recommendations in respect of the use of plastic bullets against children and in 2008 the Committee recommended that:

"The State party should treat taser guns and AEPs as weapons subject to the applicable rules and restrictions and put an end to the use of all harmful devices on children."

Our government continues to fail to act to give effect to that recommendation.

Professor Santos Pais, as a society with a long history of conflict we should appreciate the impact of violence against children, physically, mentally, emotionally, trans-generationally. As these examples demonstrate, we have a long way to travel before we can say that the partnership of government, policy makers, politicians, lawyers, judiciary and NGOs have created a society that protects children from violence.

In an interview last year you stated that your role was about "breaking the invisibility of violence against children, generating concern about children's situations, and promoting legal and policy reforms to protect them effectively."

Your lecture here today will, we hope, help break the invisibility of violence against children in this jurisdiction and be a timely reminder to us of the human rights imperative of protecting our most vulnerable citizens from violence and our collective responsibility to help you realise your and the Children's Law Centre's dream of "building a society where violence against children has no place."

Marta, we are honoured that you have agreed to deliver the Children's Law Centre's 2011 Annual Lecture.

Before I hand over to Mr Justice Treacy, I would like to take this opportunity to thank the Bar Council for sponsoring this afternoon's lecture. As a very poor charity we remain grateful for your support.

On behalf of CLC I would also like to thank Mr Justice Treacy for taking time out of his busy schedule and kindly and readily agreeing to chair today's lecture.

Thank you.

Paddy Kelly
DIRECTOR

“Protecting Children from Violence, a Human Rights Imperative”

Professor Marta Santos Pais
Special Representative of the UN Secretary-General
on Violence against Children

1. Introduction

It is a great pleasure for me to join you all today. I want to thank the Children’s Law Centre, and very especially Paddy Kelly, for the invitation to participate in this important meeting and also for their crucial role in the promotion and protection of the rights of the child.

Freedom from violence is a fundamental human right the international community has solemnly committed to safeguard for all children, everywhere and at all times.

With other international human rights instruments, the Convention on the Rights of the Child provides a sound normative foundation to prevent and address violence against children in all its forms. Framed by children’s dignity and worth, the Convention makes clear that in all circumstances the best interests of the child, genuine child participation and the protection of the child from discrimination of any kind stand as non-negotiable values and also indispensable requirements for all nations at all times. These fundamental principles provide a strong shield of protection against any form of violence. But beyond these fundamental principles, the Convention sends an unequivocal and consistent message of condemnation of violence through other critical provisions: it prohibits torture or other cruel, inhuman or degrading treatment or punishment; it calls for the protection of children from sexual abuse and exploitation, and from economic exploitation, sale, trafficking, or any other form of exploitation prejudicial to any aspect of the child’s welfare; it condemns school discipline inconsistent with the child’s human dignity; and it stresses the imperative of protecting children from all forms of violence within the family and while under the responsibility of other caregivers.

With the experience and knowledge gained from more than two decades of implementation of the Convention on the Rights of the Child, and with its Optional Protocols nearing universal ratification; with the incremental enforcement of the Palermo Protocol against

human trafficking and of critical standards to protect children from exploitation through labour, the international community has today a solid framework to address child protection questions and to safeguard children from violence, abuse and exploitation. The norms are clear and so is states' accountability to ensure their effective implementation.

The protection of children from violence has been high in the agenda of the Committee on the Rights of the Child. In its review of States Parties' reports and adopted Concluding Observations, in its annual thematic discussions, as well as through its important General Comments, freedom from violence has been a steady concern. This led the Committee to call for a comprehensive study on all forms of violence against children, a request which was positively pursued by the General Assembly and later paved the way to the 2006 UN Study led by Professor Pinheiro from Brazil.

Recognizing the critical importance of translating into action the findings of the UN Study, the United Nations established a new position - the position of Special Representative of the UN Secretary-General on Violence against Children, which I have assumed in September 2009.

2. The mandate of UN Special Representative on Violence against Children

The Special Representative acts as a global independent advocate on children's protection from all forms of violence, keeping the topic high in the international agenda, generating visibility and renewed concern at the negative impact of violence on children, and mobilizing support to prevent and combat this child rights violation.

The Special Representative's mandate is framed by the UN Study on Violence against Children and its strategic recommendations and it is guided by an important principle: "no violence against children is justifiable and all violence can be prevented."

The Special Representative is a bridge builder and a catalyst of actions by a wide network of partners, within and beyond the UN system - including international and regional organizations, human rights treaty bodies and mechanisms, national governments, independent human rights institutions, civil society organizations, and children and young people themselves. To institutionalize this important process of co-operation, important partnerships have been built.

- a) Firstly, **within the UN system**, where an Inter-Agency Working Group has been set up in which the OHCHR, UNICEF, ILO and WHO play a pivotal role.

- b) Similarly, with **civil society organizations** which have formed a crucial NGO Advisory Council, in which both leading international organizations and also regional representatives take part.
- c) At the **regional level, significant governance structures** have been developed to mobilize support, keep the question high in the policy agenda, to share information and promote cross fertilization of experiences and to influence policy, legal and mindset change¹.
- d) Other critical partnerships have been developed with **religious leaders**, with **Ombuds** and Commissioners for Children, who play a decisive independent monitoring role of progress made on children's rights; and also with parliamentarians.

My mandate envisages the protection of children from violence as a human rights imperative. For this reason, in my work I am strongly committed to promoting the **universal ratification** of the Convention on the Rights of the Child and its Optional Protocols, and very especially the Protocol on the Sale of Children, Child Prostitution and Child Pornography - already ratified by 142 countries and only missing around 50 States.

The Convention on the Rights of the Child and other human rights instruments provide a firm normative foundation for the prevention and elimination of all forms of violence against children; they constitute an indicator of genuine national commitment to respect the human dignity of the child at all times; to address risk factors that compromise children's development and citizenship; to invest in the social inclusion of the most vulnerable; and to promote actions that build upon children's best interests, perspectives and experiences.

In my work, I witness significant efforts to raise awareness about the dramatic impact of violence on the enjoyment of children's rights, and to place violence against children high in the public debate and in the policy agenda.

Within the United Nations, strategic initiatives have helped to mainstream violence against children within the policy agenda. This is well illustrated by the recent adoption of the Guidelines for the Alternative Care of Children, as well as of a Global Plan of Action to Combat Trafficking in Persons and the endorsement of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour, including sexual abuse and exploitation. At the national level significant steps are being undertaken to prevent and address this child rights violation in policy and law, at times in the Constitution itself, and also in the

¹ These include the Council of Europe Children's Rights Platform, SAIEVAC, LAS Sub-Committee on Violence against Children, Global Movement for Children of Latin America and Caribbean, African Union and African Committee on the Rights and Welfare of the Child; ASEAN Commission on Women and Children

work of institutions; violence against children is starting to gain a distinct attention in national planning, while data and research are being incrementally consolidated to assess the magnitude and incidence of violence on children, to shed light on its root causes and to protect those at special risk.

Across regions, there is a growing institutionalization of regional cooperation, with increasing opportunities to promote cross fertilization of experiences, and to boost advocacy and mobilize action for violence prevention and response. Significant political declarations have been agreed upon by regional and political groups on this topic, and in many cases a high level monitoring mechanism has been set up to promote and assess progress in moving forward the recommendations of the UN Study. In some instances, a regional strategic plan, an analytical study or a peer review process have been set in motion to capture change, build upon good practices, and energize efforts to address remaining gaps.

In Europe, critical steps have also been taken, in particular by the Council of Europe, which acts as the regional coordinator for the follow-up to the UN Study. Violence against children is a central concern in the Council's strategy for 2009-2011; and since 2009, a Children's Rights Platform, composed of governmental focal points, representatives of civil society, ombudspersons, international organisations and experts, and research institutions, has been established to promote policy discussions, exchange of information and experiences, and monitoring of progress achieved.

The Council has also promoted significant standard-setting initiatives, including ensuring the protection of children from sexual abuse and exploitation, guiding the development of national integrated strategies on violence against children, and promoting a child friendly justice system.

For its part, the EU launched a month ago² an agenda for the rights of the child. With the legitimacy provided by the Charter of Fundamental Rights of the European Union³ and the Lisbon Treaty⁴, the European Commission expressed commitment to pursue several initiatives, including the implementation of the 2007 Guidelines on the Protection and Promotion of the Rights of the Child which focus specifically on combating all forms of violence against children.

2 15 February 2011

3 Article 24

4 Article 3 paragraphs 3 and 5

3. Violence remains widespread, hidden and socially condoned

These are positive developments we certainly need to celebrate. But persisting challenges press us to move ahead with a renewed sense of urgency.

Violence against children remains pervasive, deeply hidden and socially condoned across geographic, social and cultural borders. Available research leads us to believe that between 500 million and 1.5 billion children worldwide endure some form of violence every year.

Violence takes place in all contexts, including where children are expected to enjoy a secure environment and special protection - in schools, child care institutions and also within the home. According to a recent UNICEF study on child disciplinary practices by parents and other caregivers in 35 developing countries (covering around ten percent of the world's child population in the developing world), three in every four children between 2 and 14 years of age experience some form of violence within the home. Shouting, yelling or screaming at a child are the most common practices, but in many cases other more severe forms of violence occur - including spanking, hitting and beating the child with a belt, stick or other object.

These findings raise deep cause for concern. But the analysis of this unprecedented survey also provides reasons for hope - in fact, in the majority of households non-violent discipline is more common than violent attitudes; moreover, the majority of care givers acknowledged that physical punishment is not necessary to bring up children; and in cases where they were engaged in greater levels of educational and play activities with their children, and promoted positive discipline, violence was indeed less prevalent. These promising indications open promising avenues to promote good parenting and positive discipline approaches and to enhance violence prevention initiatives.

Children experience neglect and trauma when they witness domestic violence, as well as when they endure intimidation, humiliation, physical aggression, abuse and exploitation. Younger children are at special risk, having less ability to speak up and seek support, and also greater chances of suffering irreversible emotional and health damage. Children suffer emotional and physical ill-treatment; they suffer sexual violence and abuse, and experience torture and ill treatment in institutions; they are sold into marriage, illegal adoption and forced labour; and, in some countries, they are lawfully disciplined with caning and flogging, and continue to be at risk of being sentenced to stoning, amputation, and capital punishment and life imprisonment⁵.

⁵ According to the Child Rights Information Network, at least seven countries still maintain the death penalty for crimes committed by juveniles and in at least 40 countries children can be sentenced to whipping, flogging, caning or amputation

In the European continent, one in five children suffers some form of sexual violence, and in 70% to 85% of cases, the perpetrator is known to the child victim. This dramatic pattern has led the Council of Europe to recently launch a wide advocacy campaign designed to raise awareness about sexual violence of children, to support parents and children in its prevention, and to encourage governments to ratify and enforce relevant international standards addressing this child rights violation.

The Campaign is strongly supported by the Parliamentary Assembly of the Council of Europe, which has established a wide network of national focal points to keep children's protection from sexual violence high in the national agenda. Currently, more than half⁶ of national parliaments in the region have such a focal point, and I am confident all others will soon follow.

Parliamentarians are critical allies in the struggle against violence. They raise awareness and influence the public debate to address the long lasting impact of sexual abuse and exploitation on children; and they play an essential role in law reform, both to criminalize these serious child rights violations and help fight impunity; and to ensure the protection of the rights of child victims and witnesses. Their influence is also instrumental when budgets are considered. As we know, mobilization of resources for violence prevention; for counseling, reporting, redress, recovery and reintegration of child victims; and for enhanced capacity of professionals working with and for children are only some of the significant areas where resources make an instrumental difference. As the world faces such an unprecedented time of economic and financial crisis, these aspects gain an even greater relevance for the promotion of cohesive and violent-free societies.

Violence against children is a major concern for young people in all regions, and this is also the case within Europe. According to a survey conducted by the European Commission⁷ amongst 15 and 18 years olds from within the European Union Member States, violence against children and sexual abuse and exploitation of children were identified as the most serious problems affecting young people, and also the most pressing priorities for policy action.

Violence and abuse is one of the main reasons why children contact child helplines. Either in government and promoted by civil society organizations, these institutions allow children

⁶ Albania, Andorra, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Iceland, Italy, Mexico, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Sweden, Switzerland and Ukraine

⁷ European Commission Flash Barometer 2009

to speak up directly to someone in trust and anonymously, enabling the child to benefit from advice and at times also from mediation, shelter and reintegration services. According to the most recent report issued by Child Helpline International⁸, bullying, physical and sexual abuse are the most common forms of violence reported - within Europe, cases of bullying amount to 39%, incidents of physical abuse amount to 26% and sexual abuse affects 13% of the children accessing these helpline services. According to this recent report, violence was perpetrated by people close to the child - in 46% of the cases, violence was perpetrated by foster and step parents, and in 21% of the cases by members of the extended family.

Children express deep frustration at the levels of violence, abuse and fear that surround their lives. They feel physically wounded and also deeply hurt in their dignity and self-esteem. But in no way does this compromise their courage to take action and their determination to promote advocacy and encourage change, with conviction and passion. Children have a remarkable resilience, recognizing the opportunity for change, and the indispensable role they can play in this process.

Across regions, and also here in Northern Ireland, young people are increasingly involved in initiatives to promote advocacy and disseminate information on the right to freedom from violence, and in efforts to provide peer support to child victims. Through school debates and community events, radio programmes and street drama, through cartoons, blogs and social media, they help to raise awareness amongst children and their families about the risks and dramatic impact of violence, helping to generate stronger confidence to report incidents and greater pressure for speedy solutions by responsible institutions.

Listening to young people's views and experiences is critical to gain a better understanding of the hidden face of violence and, more importantly, to become better equipped to prevent its occurrence, to develop child sensitive counseling, recovery and long lasting reintegration strategies, and to monitor progress and impact of our common efforts.

4. Violence has a serious and long lasting impact

Violence hurts when it happens and also leaves dramatic scars and lifelong consequences, hampering children's development, learning abilities and school performance, and very often lasting for a life time. Violence inhibits positive relationships, provokes low self-esteem, emotional distress and depression and, at times, leads to risk taking, self-harm and aggressive behaviour.

⁸ Fourth Child Helpline International Report Violence against Children, 2010

Beyond its impact on individual victims, violence generates fear and insecurity amongst peers and friends, and it provokes anxiety and distress amongst family members. But in addition, violence carries with it very serious economic costs for society, reducing human capacity and compromising social development. It is very important to recall that responding to violence is much more costly than investing in its prevention! According to the European Union, every year domestic violence alone amounts to an expenditure of 16 billion Euro within EU Member States; at the same time, however, for each Euro invested in prevention, there is a social return of 87 Euro. In this period of widespread economic crisis, with increasing risks for cuts in social spending, investing in violence prevention is not only a question of good economics but a reassuring way of limiting the economic impact of the crisis in the long run.

Violence against children has serious and long lasting consequences. And yet, it remains hidden and socially condoned. Widely perceived as a social taboo or a needed form of discipline, it is seldom reported; official statistics remain limited in their ability to capture the true scale and extent of this phenomenon; and, openly or implicitly, children feel pressed to conceal incidents of violence and abuse, particularly when perpetrated by people they know and trust, including in institutional care and within the home. A culture of silence, secrecy and social indifference surrounds this phenomenon, paving the way to pervasive impunity.

5. It is urgent to fast track the pace of progress made so far

In my work as Special Representative of the Secretary General on Violence against Children, I am seized by the sense of urgency children so powerfully convey. To fast track the pace of progress made so far, I am particularly committed to pursue three critical goals:

- ✓ The development in each country of a national plan or strategy to prevent and respond to all forms of violence
- ✓ The introduction of legislation to prohibit all violence against children, and
- ✓ The consolidation of data and research to inform progress in this area.

(a) Firstly, it is urgent to develop in every country a cohesive, well-coordinated and well-resourced national strategy to address violence against children

A national strategy helps to set a vision and provides a strategic road map to mobilize action and resources, and to engage civil society support to prevent and respond to all forms of violence against children.

As recognized by the Council of Europe Policy Guidelines on National Strategies to Prevent

and Address all Forms of Violence⁹, the strategy needs to be a core component of the national policy and development agenda, a core component of a child rights strategy, when it exists, but further supported by a steady process of implementation; coordinated by a high level focal point with leading responsibilities on children's issues, with authority to articulate activities across departments and levels of administration, and with the ability to associate civil society; and also periodically evaluated to assess progress and impact, and to allow for the introduction of any required adjustments.

When these measures are in place, convergence of actions and judicious use of resources can be promoted; fragmented and reactive solutions can be avoided; and sound child protection systems can be strengthened to support children and families at greater risk, and to fight impunity; and, naturally also, to prevent violence from taking place.

(b) Secondly, national legislation is indispensable to ensure an effective protection of children from all forms of violence; and it is a legal obligation established by the Convention on the Rights of the Child

Globally, less than 5% of children are legally protected from all forms of violence in all settings. In fact, only 29 countries have legislation prohibiting violence in all contexts, including corporal punishment within the home, in schools and institutions. Most of these countries are in Europe¹⁰, although a few European nations have not yet taken this step; but together with New Zealand, three Latin America nations and over the recent past, two African states have joined this movement. Kenya included in its Constitution the right of the child to protection from abuse, neglect, harmful practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour. In contrast with these promising developments, violence in schools is still admitted in more than 80 countries, it is accepted as a form of sentencing by more than 40 states, and as a disciplinary measure in care institutions by more than 150 nations. This is an area where progress is urgently needed!

⁹ Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence, adopted by the Recommendation of the Committee of Ministers CM/Rec (2009) 10

¹⁰ Sweden, Finland, Norway, Austria, Cyprus, Denmark, Latvia, Croatia, Bulgaria, Germany, Iceland, Ukraine, Romania, Hungary, Greece, Netherlands, Portugal, Poland, Spain, Luxembourg, Liechtenstein, in Italy a High Court decision considered violence against children contrary to Italy's legal obligations undertaken upon ratification of the Convention on the Rights of the Child

Even in countries where strong legislation has been adopted, it is crucial to narrow the gap between law and practice. Legislation needs to permeate the work of institutions and shape the training and ethical standards of professionals working with and for children; and implementation needs to be supported by adequate resources, as well as awareness raising and social mobilization initiatives for the public at large and children in particular.

(c) Thirdly, research and data on violence against children need to be further strengthened

Information on violence against children remains scarce and unable to capture the magnitude of this phenomenon across nations and social groups. And yet data and research are crucial to break the invisibility and social acceptance of violence against children, to understand social attitudes and risk factors, and to enhance the protection of children and families at risk.

Without good data, national planning is compromised, effective policy-making and resource mobilization are hampered, and targeted interventions are limited in their ability to prevent and combat violence against children.

We cannot continue to base our work on assumptions, prejudices or anecdotal evidence. Better monitoring tools and indicators are needed to assess the impact of violence on boys and girls of all ages, and in all contexts and situations. And these efforts need to incorporate children's views and perspectives, and be informed by their experience. Only that way will it be possible to gain a better understanding of the hidden face of violence and its root causes; and prevent violence from happening in the first place.

The hidden nature of violence is strongly associated with the **lack of safe, effective and child sensitive counseling, reporting and complaint mechanisms** to address incidents of violence against children.

Counseling, complaint and reporting mechanisms constitute critical remedies to address the breach of children's rights, including violence in all its forms. Their development is anchored in international human rights standards and was addressed by the UN Study on Violence against Children and their establishment was called for by the Brazil Congress against the Sexual Exploitation of Children and Adolescents, with a time bound goal of 2013.

Counseling, complaint and reporting mechanisms are indispensable to empower children to prevent falling victims to violence, and to give the needed advice and support for them to act in a confident and well informed manner.

Unfortunately, however, these mechanisms are very often unavailable or difficult to access, particularly by vulnerable children; and when established, they lack the needed resources and skills to address children's concerns and promote victims' healing and reintegration.

Children are largely unaware of the existence and role of counseling, reporting or complaint mechanisms; and they lack information about where to go and whom to call to benefit from advice and assistance, and to overcome trauma and re-shape their lives. Children lack trust in these services, fearing they will be discarded rather than believed, judged rather than listened to; and they fear public exposure, stigmatization, harassment and reprisals if they make known incidents of violence. Overall, they feel uncertain as to whether and how impunity can be fought.

According to a European Commission survey, 80% of the young people within the EU Member States indicated that neither of them nor anyone they knew, had sought help when they thought their rights had been violated; and they did not know whom to contact or what to do in those circumstances. The large majority further indicated that the procedures were too complicated and lengthy for young people to understand and use¹¹.

Challenges are particularly strong in the case of sexual exploitation and abuse, as these child rights violations are deeply associated with stigma, shame and secrecy. This pattern is aggravated by the fact that these offences are often committed by people close to the children and with whom children build bounds of trust and affection - within institutions, in schools and also in the home.

Parents feel at times tempted to hide these incidents, believing to protect their children and to safeguard the image and unity of the family. Professionals lack the necessary training to identify early signals and address incidents of violence in an ethical, and gender and child sensitive manner; they lack guidance as to whether and how they are expected to report, or whom to refer the case to; and whether their identity will be protected in case they make known cases or suspicion of violence against children.

Even when they are tackled, incidents of violence continue to be considered separately by different professionals and through the lens of disconnected disciplines, creating renewed risks of re-victimization for the child.

¹¹ European Commission, Flash Eurobarometer 2009

These are some of the key findings of the report I have submitted a few days ago to the Human Rights Council, in Geneva. The report acknowledges efforts made in many countries by governments, national human rights institutions, civil society and community-based organizations to promote counseling and enable complaints and reporting of incidents of violence and sexual exploitation. But it further acknowledges that in most cases these efforts remain piecemeal and not always specifically developed for children. As a result, they are insufficient to secure children's protection from violence and fail to be considered in the broad framework of a robust child protection system; and they are rarely evaluated to assess effectiveness and impact on children's protection and on violence prevention.

One key challenge that persists is the need for these mechanisms to be trusted by children. Children need to feel empowered and supported, and benefit from information about their rights to access and make effective use of these mechanisms. They need to feel reassured that they will be listened to in an **ethical, safe and confidential manner**; their **testimonies will not be disclosed or misused, their protection will not be put at risk and impunity will be fought.**

With this in mind, the report identifies a set of guiding principles recalling that, as a **minimum**, child-sensitive counseling, complaint and reporting mechanisms should:

- **be established by law and in conformity with international human rights instruments**, with clearly defined roles and responsibilities for State institutions, and guidance for other services supporting these efforts;
- **be made widely available and well-publicized**, by appropriate and active means to children and adults;
- **be accessible to all children under the jurisdiction of the State**, without discrimination of any kind;
- be guided by the best interests of the child and informed by children's experience and perspectives;
- guarantee the **safety of children**, including to avoid any risk of harm, intimidation, reprisals or re-victimization;
- **ensure confidentiality** of proceedings and respect children's right to privacy;
- **and provide prompt and speedy response and follow up**, including to avoid adverse consequences to those concerned.

6. Conclusion

As highlighted by this brief overview, the recent past has been marked by important developments in the area of children's rights. But there is still a long way to go before these rights are enjoyed by all children, everywhere and at all times.

Violence against children reminds us all of a serious governance gap we have failed to address so far. But it further shows that, building upon the sound normative foundation provided by the Convention on the Rights of the Child and its Optional Protocols and other human rights standards; as well as by the many successful initiatives promoted in all regions, violence is not inevitable; it can be prevented and effectively addressed and a world without violence can be built.

Joining hands together, the protection of children from violence can evolve from being a concern of a few into a priority of society as a whole. This is an opportunity we cannot afford to miss.

