

HIGHLIGHTS OF SPEECHES AND YOUNG REPRESENTATIVE'S RECOMMENDATIONS

DURING THE REGIONAL SYMPOSIUM TO LAUNCH THE UNITED NATIONS GENERAL-SECRETARY STUDY REPORT ON VIOLENCE AGAINST CHILDREN

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WELCOME ADDRESS

Hameed Hakeem, Coordinator of APPEAL, UNESCO Bangkok

The launch of the UN Secretary-General's Study Report on Violence Against Children gives us an opportunity to raise awareness globally, and in this region, around issues of child rights. Outside the home, the school and other education settings are the key environments in which children spend significant amounts of time under the care of adults: kindergarten nurses, teachers, school managers, and other staff. For many children around the world, corporal punishment is a regular part of the school experience. Less than 20 out of over 190 countries in the world have banned corporal punishment. In the many remaining countries, parents and other caregivers, including teachers, retain the power to inflict physical punishment and humiliate children. The frustrations that children's misbehaviour causes, and a lack of skills to handle it, lead some teachers to strike out at our children and use violent forms of punishment to try and stop their misbehaviour. This type of punishment can cause children shame, guilt, anxiety, aggression, a lack of independence, and a lack of caring for others, and thus cause even greater problems for teachers, caregivers and other children.

Our practice in the past has focused much on reacting to cases of violence. What is perhaps equally, if not more important, is prevention. With increasing research evidence showing effectiveness of preventive action in regard to violence against children, it may be important to place a greater focus on preventive efforts. In this context UNESCO has an important role to play through preventive education including in the development of tools to help prevent violence against children in educational settings. One such tool that was recently developed within the framework of the toolkit for creating inclusive, learner-friendly environments is the booklet, *Positive Discipline in the Classroom*.

What outcome do we expect from the UN Study report? First of all, we hope that the recommendations of the report will influence governments to make new national and international commitments to ending violence against children. Guides to take action on the recommendations are being produced by some agencies of the UN. ... Such action will need to engage all stakeholders in all dimensions of life: in schools, workplaces, the home, cyberspace, at the national and at the community levels and in the public, private and voluntary sectors. Above all, children themselves must be empowered to become actors, not mere spectators, in shaping their own visions and futures. It is important that we help make children aware that they themselves can take action to prevent violence. ...

ADDRESSING THE SITUATION IN EAST ASIA AND THE PACIFIC

Laurence Gray, regional advocacy director, World Vision Asia Pacific

The research done in the preparation for the UN study shows that millions of children across East Asia and the Pacific are suffering violence in various ways. Children are beaten at home, dragged off the street and raped, caned by teachers, beaten by school bullies, forced to work in illegal and dangerous work conditions, pushed into cells with adult criminals, hit by police and now, increasingly, are at risk from Internet predators. ...

Here are a few facts and figures:

- In Maluku, Indonesia, of 294 children questioned on one day, 83 said they had been hit by their teacher once or more that day. **A**
- In Cambodia, more than 63% of children know a child who has been raped. **B**
- In South Korea, the Anti-Cyber Terrorism Centre reports more than 80% of child sex abusers use the Internet to organize their activities.
- In Mongolia, over one quarter of all people affected by domestic violence are children aged under 5. **C**
- In the Philippines, an estimated 4.2 million children work, of which 2.5 million are engaged in hazardous work. **D**
- And in Thailand, on average, every week one teacher sexually abuses a student. **E**

Poor children spend more time on the street, are more likely to be harassed by police, to be at risk from gangs or potential traffickers, or to be working in hazardous conditions. Girls are more likely to miss out on school, to be neglected, underfed and sexually assaulted.

Disabled children miss out on basic opportunities and have few chances to report violence against them. Similarly, migrant children or those from ethnic minorities are more prone to abuse from authorities and communities and unable to access opportunities available to other children.

So, while we think of children as being harmed by violent people, the truth is, violence affects children in many ways. It is often unrecognized and it is often condoned by family, by society and by the state.

Communities can also often be extremely violent places for children, and girls can be particularly vulnerable. In Papua New Guinea, for example, gang violence, drug abuse and crime is common but children find it hard to escape either the peer pressure to take part or the effects of the violence.

In Cambodia, a different issue is creating a culture of violence. Hardcore violent porn on VCDs is now so commonplace in poor villages that boys can easily watch it. It is changing the way boys see girls and making it more likely that girls will be violently treated and abused.

Violent communities cannot be changed overnight but as a start, children must have safe places like youth and children's clubs or schools where they play and learn from good role models. This is already happening in Cambodia where thousands of children are now in children's clubs, learning about their rights, and where the government has been working on building a legal system that protects children and training police to be more sensitive to boys and girls. ...

- A. "Strategy to address the physical punishment and emotional abuse of children in schools. Proceedings of the International Save the Children Alliance regional workshop, 8-11 November 2004, Vientiane, Lao PDR
- B. Tearfund/ World Vision 2006 "Stop Violence Against Us" study
- C. "Regional Consultation on Violence Against Children", UNICEF, Mongolia's Children First: Newsletter, July/September 2005, accessible on-line at <http://www.unicef.org/mongolia/july-septembereng.pdf>
- D. National Statistics Office, the Philippines
- E. Children and Family Protection Centre of the Ministry of Education in Thailand research

ADDRESSING VIOLENCE IN THE HOME – BANNING CORPORAL PUNISHMENT

**Herluf G. Madsen, Regional Representative, Save the Children Sweden
Regional Office for Southeast Asia Pacific**

For South East Asia and the Pacific research conducted by Save the Children in 2005 confirms this picture and reveals the sheer brutality to which children are subjected by those who continue to believe this is "in their best interests". Hair pulling, ear twisting, pinching, smacking, beating and verbal assaults – plus a high level of kicking and punching are forms of punishment reported about in the region. The research, which was conducted in eight countries among 3,000 children, shows that at least one third of the children have been subjected to some kind of violence. Some of the worst forms of disciplining includes punishment with hazardous tasks, increased chores, exhausting activities such as running or standing in the sun, exclusion or neglect including being chased away from home or forced to sleep outside the house plus more extreme horrifying punishments.

'Bad' behaviour, disobeying rules or 'refusing to listen' and failure of performance, applying in particular to academic success are the three main reasons for punishment. However, children often say that they are punished 'for no reason' because they are the target of the anger and irritation of adults.

One interesting feature of our research conducted among 3,000 children and 1,000 adults is that there is a remarkable difference in what children say they experience and what adults state they are doing – or not doing. If we only listen to what adults say, the prevalence of corporal punishment would be much less. It is therefore important that we involve children, not only in the research, but also in addressing the problem.

All states have laws on assault, making it a criminal offence to deliberately cause some degree of pain or discomfort to another person. Although such laws should prohibit corporal punishment of children, there are loopholes that allow parents, other care providers and teachers to assault children provided the assault comes within the arbitrary bounds of 'reasonable punishment' or 'lawful correction'. Such loopholes must be removed and an explicit prohibition of corporal punishment and other degrading treatment must be inserted in family or civil law, as well as in education law, applying to schools, in the law applying to the justice system for young offenders and in the law applying to all the various forms of institution and alternative forms of care. Prohibition must apply to both private schools and institutions and to those provided or supported by the state. ...

ADDRESSING VIOLENCE IN CYBERSPACE

Carmen Madriñan, Executive Director, ECPAT International

The overwhelming social uptake of information and communication technologies in Asia coupled with the expansive nature of ICT means that it now plays a significant part in every facet of children's daily lives evidenced by their deep involvement and increased presence in cyberspace. Young people are maximizing opportunities to interact and communicate through mobile phones, the Internet, email, blogs, peer2peer communications, newsgroups, chat rooms, online games and web cams. In fact, the world over children and youth are at the cutting edge in the use of these applications.

Despite the large representation of children among users of new technologies, efforts to assess any potential adverse effects on children have been inadequate because few industries include formal child impact assessment processes in their research and product development activities.

As a result, we have been late in recognizing that the benefits of new technologies are increasingly offset by adverse affects on children.

"My friend exchanged her telephone number and set up a meeting with strangers she met online. They met at the male stranger's dormitory and when they got drunk, they had sex," says Fon, aged 14, from northern Thailand (from ECPAT interviews with children and young people).

These aspects open new channels in the initiation of virtual encounters with children, as well as physical ones by those that may be intent on exploiting them. ... For example, they provide:

- A sense of safe distance, which allows close emotional and psychological contact between strangers;
- Relative anonymity, which provides a person latitude to adopt new personas and represent him/herself falsely; and
- The ease of contact to and from any location and at any time, which makes it difficult to assess the appropriateness of the communication.

As children spend more time exploring new forms of communication, this prolonged exposure to the virtual environment makes them increasingly susceptible to various forms of violence and exploitation, such as virtual bullying, sexual solicitation and grooming, real-time violence and sexual exploitation.

ICTs have proven beneficial for child sex exploiters and paedophiles, providing networks, information sharing facilities and allowing exploiters to share detailed descriptions of how and where to access and exploit children. These same technologies also facilitate organized sexual abuse and violence against children by networks of commercial buyers, sex tourists, paedophiles and traffickers, as well as forms of prostitution of children and young people.

Internet 'communities' of child abusers are also common. Abusers are able to gather (electronically) at predetermined times and places to watch a child being sexually assaulted live. Children and young people are also abused through match-making or dating websites; from the posting and/or sharing of provocative, sexual or explicit images over the internet, as a means of revenge on a former friend or girlfriend/ boyfriend; and from PC games, which can show explicit content. Child abuse images are further evidence of this abhorrent violence that is committed against children in cyberspace.

Apart from the trauma of the abuse itself, the child abuse image that a victim must live with is the reality that his or her images will circulate on the Internet in perpetuity. Each time an image is traded, or viewed, the victim is re-victimized.

Some countries in the region have begun acting to address the problem of violence in cyberspace. We would like to see more being done. ... Governments must put in place laws that respond to the realities of internet child abuse and protect children, such as those which:

- Make possession of child pornography illegal, in addition to production and distribution;
- Prohibit the use of carriage services (Internet, mobiles, emails as well as TV, radio, fax, etc) to access, transmit, make available, publish or distribute child pornography; and for “grooming” of children.
- Gives greater powers to enforcement agencies to search for disk or electronic or computer files, on which child pornography and abuse is recorded or stored.

Apart from Japan, no country in the region is a signatory to the Convention on Cyber-crime, which obliges signing countries to criminalize the electronic distribution of child pornography via the internet or other means.

Law enforcement training is also necessary and must reflect advances in technology, such as that undertaken in Cambodia by Microsoft and Britain’s National Criminal Intelligence Service, to introduce computer evidence-gathering techniques.

Hotlines for reporting of illegal material or harmful conduct on the internet by members of the public to the appropriate law enforcement agency are also necessary, such as those introduced in Japan, Australia and South Korea.

The IT industry can help to counter the misuse of technology, for example by, introducing systems for blocking access to sites containing child sex abuse images, such as is being developed in New Zealand and existing in Taiwan, where ten major Internet service providers (ISPs) and Internet content providers (ICPs) signed an agreement to protect children from harmful and illegal content transmitted via the Internet.

Awareness-raising campaigns accompanied by educational initiatives are also essential, enabling children, parents and teachers to prevent and counteract the risks and harms of new technologies, as well as reinforce their advantages and best usage. In the Philippines, children themselves campaigned and lobbied the government to clean up the Internet café industry.

Finally, care and protection for children who have been the victims of cyber crimes must be enhanced or introduced to help children and young people overcome the lasting trauma and pain associated with these crimes.

ADDRESSING VIOLENCE AGAINST CHILDREN IN CONFLICT WITH THE LAW

Alberto T. Muyot, Project Officer, Child Protection, UNICEF-Manila

After a long period of closing its eyes to the plight of children in conflict with the law, particularly children in detention, the world is finally showing some concern. This is true even within the UN. The Committee on the Rights of the Child, the body responsible for the

monitoring of the UN Convention on the Rights of the Child, had very often criticized States Parties' policy and practice relating to juvenile justice and recommended reforms in their juvenile justice systems. But, sad to say, juvenile justice is still not seen as a top priority in many countries, and its realities are hidden or ignored. We would still rather focus on the crime committed instead of looking at the child, and rarely do we see the child in conflict with the law as a child who has rights.

But the child in conflict with the law is especially vulnerable to violence and hence needs special protection. Upon arrest and immediately thereafter, while in police custody, the child is most likely to become a victim of beating, torture and other forms of cruel treatment. Girls are especially vulnerable to sexual harassment and abuse upon arrest and during investigation. It is also at this stage that the child is likely to be denied the presence of his parents, the social worker, or of legal counsel, who could provide protection against violence and intimidation.¹ It is during the pre-trial period that the child is most likely to be detained together with adults, for an extended period of time, under very poor conditions, lacking supervision by specially trained staff, being without an activity programme, without education, and being confined in closed quarters for up to 24 hours a day.²

The Convention on the Rights of Child emphatically states that the a child alleged as, accused of, or recognized as having infringed the penal law shall 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 freedom 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. Governments have the primary responsibility to see to it that this is realized. While there have been some good initiatives within the region, it cannot be denied that more has to be done.

Today is a perfect opportunity to remind governments about their commitments under the Convention. It is also a good time to propose some specific actions that can be done, considering some good initiatives within the region. These, taken together, provide the foundations for a system where the rights of children in conflict with the law are protected and their best interests are promoted. These actions include:

- a. ***The establishment, through legislation, of a comprehensive, child-appropriate, restorative juvenile justice system that focuses not only on protection, but also on the prevention of delinquency and the reintegration of children in conflict with the law. The justice system has to be designed to meet the specific needs of children, instead of making children conform to a punitive adult justice system.*** In the Philippines, the Juvenile Justice and Welfare Act of 2006 raised the age of criminal responsibility from 9 to 15 and introduced community-based diversion programmes. The law was passed through the concerted effort of government, NGOs, faith-based organizations and the academe;
- b. ***The establishment of procedures to effectively ensure that the detention of children is only a last resort and for the shortest time possible. And if the child has to be detained, he shall always be separated from adults.*** In Mongolia, World Vision's "ger-camp" concept offers alternative housing for young people awaiting trial. The concept of the "ger-camp" makes use of the traditional Mongolian lifestyle in the countryside, providing enough protection from escape to appease authorities, yet the freedom to live as a community with opportunities for the children

¹ Innocenti Digest No. 3, Juvenile Justice, p. 8.

² Innocenti Digest No. 3, Juvenile Justice, p. 9.

- to learn, interact and develop life skills under influences that encourage, not stifle, their potential;
- c. ***The introduction of diversion systems to keep children who have committed minor offenses from being sent to a court, and establishing alternatives to detention as well as programmes to help offenders understand and correct their behavior.*** Save the Children Norway with Legal Aid of Cambodia is helping to introduce a model to the police and local authorities for community diversion to keep children out of detention. FREELAVA, an NGO, has pioneered village-level diversion programmes in Cebu City, Philippines;
 - d. ***The training of police, judges, prosecutors, social workers and detention staff on the Convention on the Rights of the Child, the U.N. standards on juvenile justice, and child-sensitive procedures. This should focus not only on enhancing knowledge and skills, but also on changing attitudes and perceptions.*** Alongside a reform in juvenile justice policy in Papua New Guinea, a small monitoring unit now exists within the police force, made up of government and NGO representatives with UNICEF at the fore. The unit is helping to identify breaches of the new policy, reducing violence and rights violations; and
 - e. ***The development of policies and programmes that address the immediate risk factors for child and youth offending, such as family breakdown and lack of parental support, dropping out of school, abuse of drugs and alcohol, and gang violence.***

A set of 15 Juvenile Justice Indicators has been developed by UNICEF and other members of the Inter-Agency Panel on Juvenile Justice to increase visibility and protection for children in conflict with the law. These indicators form a global baseline definition to monitor progress toward international standards and for advocacy purposes; to increase protection of children in conflict with the law by engaging local actors in information collection and preventing children from “slipping through the net”; and to introduce accountability by reviewing policy, programmes and practice nationally and regionally. The indicators have been successfully field-tested and adopted in the Philippines.

In the final analysis, there is no excuse for violence against children, including children who may have committed offences. We have long ignored the violence inflicted on them in the name of enforcing law and order. It is time to look at them for what they really are – children.

OVERVIEW OF THE UN STUDY’S GLOBAL RECOMMENDATIONS

Anupama Rao Singh, Regional Director, UNICEF East Asia and the Pacific

Headed by Independent Expert, Professor Paulo Pinheiro, the UN Secretary-General’s Study is based on three years’ of participatory research that included:

- nine regional consultations with experts, academics and young people,
- 136 Government questionnaires,
- more than 270 public submissions,
- and over 14 thematic consultations.

It is easy to ignore this problem, to pretend it does not exist.

- To keep it hidden behind the closed door of a family home, where a parent hits his child in rage, when he fails to do what he is told. The report estimates that as many as 275 million children worldwide witness domestic violence annually.

- To assume that schoolyard bullying or a teacher's insult, is just part of toughening a child up. The report finds that while corporal punishment has been banned in 106 countries, enforcement is uneven and the impact of violence perpetrated by teachers and other staff, both physical and physiological has proven to leave deep scars.
- To assume that our care and justice institutions are to protect rather than to hurt. The report finds that in far too many circumstances, children, especially those in conflict with the law, are faced with violence by law enforcement personal or locked up with adults, who in turn abuse them.
- To want to turn a blind eye to the millions of children forced by poverty into the work place. Of the estimated 218 million child labourers in 2004, the report finds that 126 million were engaged in hazardous work and many more involved in legal work face violence from employers or co-workers. Already robbed of their childhood, they are vulnerable and exposed to the hazards of violence and abuse from their employers.
- To see the child living on the street as a potential threat and source of violence rather than at risk. The report finds that almost 53,000 children aged 0-17 died as a result of homicide, and 1-2 million are treated in hospitals for violence related injuries, many of them living on the streets.

As the report details, violence has a devastating impact on children, exposing the survivors to the risk of lifelong health, and social emotional and cognitive problems. Tragically often, violence breeds violence and in later life, child victims of violence are more likely to be victims or perpetrators themselves.

What the Secretary-General's Report makes clear is that we must start with the law. It presents clear recommendations for action.

Let me outline the overarching recommendations of the Secretary-General's Report:

1. Prohibit all violence against children –including all corporal punishment, harmful traditional practices, sexual violence torture and other cruel, inhuman or degrading treatment.
2. To do that we have to ensure each country has in place a national strategy, policy or plan of action on violence against children that is adequately resourced with time bound and realistic targets.
3. At the moment, most cases of everyday violence goes unrecorded, if we are to succeed in putting an end to violence against children, we must be better informed of its impact. This means developing more systematic data collection and building better information systems to track progress.
4. We need to promote non- violent values by strengthening national efforts to prevent violence against children through child-friendly policies and services, public information campaigns, and the provision of training for all persons working with children
5. The culture of impunity that prevails has to end. Perpetrators of violence against children must be held accountable and brought to justice. We need to create accessible and child friendly reporting systems and services to ensure that violations are dealt with.
6. When children experience violence, we need to ensure they have the right support, whether it is quality health, social and legal services, as well as accessible and safe complaint mechanisms.

7. We need to not just deal with the outcome of violence but stop it before it even occurs. This means tackling the underlying causes. Poverty, inequality, income disparity, urban overcrowding and other factors, all contribute to the social problems that can contribute to violence.
8. Children have played already played a very crucial role in putting together the report. It is clear that if we want to end violence against them, they need to be an active part of the solution.

YOUNG PEOPLE'S REPRESENTATIVES PRESENT THEIR RECOMMENDATIONS FOR THE REGION

Lorelie B.Limbang, Philippines
Hoang Thi Hue, Viet Nam
Michael Bendall, New Zealand

Recommendations

- Governments to consult with children and young people on everything that affects us and when creating policy do this with the rights and interests of children and young people in mind.
- Governments to strengthen educational programmes for teachers and parents on the rights of the child, teach children skills for protecting themselves and promote non-violent discipline in the classroom.
- Young people to begin the change in ourselves by opening our eyes to what is happening in our communities and ensuring our participation in our communities so that we are able to claim our rights.
- The media to be responsible in exercising your role in providing balanced and sensible information, particularly concerning children. Tell our stories and issues in a responsible manner where we are not exploited or used for misinformation.

As children and young people we have rights, which are supplementary to human rights. Respect these and let us work together to make a world free of all forms of violence against children.