



HAITI, 2005, Girls stand in the concrete yard of the women's prison at Pétionville, a suburb of Port-au-Prince.

VIOLENCE AGAINST CHILDREN AND INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS

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“I would like a coalition of international associations and organisations to be set up as quickly as possible to encourage and support those governments which undertake to adopt specific measures to prevent the most serious crimes committed against children from going unpunished – measures such as extending or doing away with the time limits for the prosecution of offences, stepping up judicial co-operation or adopting a model or framework law to strengthen action against trafficking in children, including that done with the help of the Internet.”

HRH Princess Caroline of Hanover, April 2006¹



INTRODUCTION

Each child has the right to his or her physical and personal integrity, and protection from all forms of violence. Children, as human beings, are entitled to enjoy all the rights guaranteed by the various international human rights treaties that have developed from the Universal Declaration of Human Rights.¹ They are also entitled to the protection laid down in international legal instruments relating to international criminal, humanitarian and labour law.*

Since the adoption in 1948 of the Universal Declaration of Human Rights, the first authoritative – although not legally binding – statement on human rights, over 60 treaties addressing slavery, the administration of justice, the status of refugees and minority groups and human rights have been elaborated. All are grounded in the concepts of non-discrimination, equality and recognition of the dignity of each and every individual as contained in the Universal Declaration, and each makes it clear that the rights contained therein are available to all, including children, on a basis of equality.

Children are therefore entitled to the rights and procedures set out in the International Bill of Rights, consisting of the International Covenants on Economic, Social and Cultural Rights, and that on Civil and Political Rights. They are also entitled to the rights and protections contained in specific treaties, including those which address the elimina-

tion of racial discrimination, discrimination against women, the prevention of torture, and the rights of migrant workers and members of their families. These instruments, legally binding on States which have accepted them, include provisions which are relevant to eliminating violence against children. Some treaties, in particular the two Covenants, also contain provisions extending specific protections to children.

Thus the International Covenant on Economic, Social and Cultural Rights includes a provision requiring that children be protected from economic and social exploitation, and that the employment of children in work that is harmful to their morals, or health or dangerous to life, or likely to hamper their normal development, be punished by law. The International Covenant on Civil and Political Rights expressly prohibits the imposition of death sentences on children and young people under 18. It also includes provisions governing the proper treatment of accused and convicted children, which in particular require their separation from the adult(s) accused and offenders.

The Convention on the Elimination of All Forms of Discrimination against Women is fully applicable to girls under 18 years of age. Article 16.2 of the Convention provides that the betrothal and marriage of a child shall have no legal effect and that all necessary action, including legislative action, shall be taken by States to specify a minimum age for marriage, and to make the registration of marriages in an official registry compulsory.

* Further information on all instruments referred to in this chapter is available at: <http://www.ohchr.org>.

“I really believe there is nothing more important than child protection because it is linked with every other child right, be it development, survival or participation. For all countries the recognition of this right as paramount and the decision to set up both programmes and institutions to ensure child protection is a giant step in the right direction.”

Ms. Loveleen Kacker, Joint Secretary, Ministry of Women and Child Development, India

Existing protection under international human rights law will be expanded with the finalisation of treaties regarding children, on disappearance and disability, currently being concluded. Specific provisions relating to the human rights of children with disabilities, including obligations of States to address violence against them, are included in the draft Convention on the Rights of Persons with Disabilities, which will be submitted to the General Assembly for adoption at its sixty-first session.

The implementation of each of the seven core human rights treaties currently in force is monitored by a Committee of Experts through various procedures. Each reviews implementation thereof through the consideration of reports submitted by States, and makes recommendations for further action. Four Committees are empowered to consider petitions from individuals who allege that their rights have been violated in cases where the State concerned has accepted this procedure. Two Committees have competence to conduct inquiries into grave, systematic or serious violations of the treaty, again in cases where the State has accepted these procedures. Similar procedures are contained in the draft treaties on disappearance and disability, while the Optional Protocol on the Convention against Torture and other Forms of Cruel, Inhuman and Degrading Treatment or Punishment introduces a system of visits to places of detention in States parties.

All bodies accepting the treaty have emphasised the obligations of States to take specific

steps to eliminate and respond to violence against children in their concluding observations, reports, and in several of their decisions on petitions. Several treaty bodies have also adopted General Comments or recommendations which outline States' obligations to address violence against children. The Committee on Economic, Social and Cultural Rights General Comment on the Right to Education indicates that corporal punishment in an educational setting is inconsistent with international law and the dignity of the individual. The Committee on the Elimination of Discrimination against Women has adopted a general recommendation on States' obligations under the Convention with regard to female genital mutilation (FGM) and two general recommendations concerning gender-based violence against women.

THE CONVENTION ON THE RIGHTS OF THE CHILD

Although protections are provided to children by general international human rights treaties and other international agreements, at an early stage in the history of the United Nations, the international community recognised the need to provide specific human rights protection for children. The General Assembly's 1959 Declaration on the Rights of the Child set out 10 non-legally binding principles aimed at providing special safeguards for children.

The Convention on the Rights of the Child (CRC), which sets out legally binding standards, was adopted by the General Assembly in 1989. The CRC, which signals clearly that children

“Upon ratification of the Convention (on the Rights of the Child), countries are required to adopt laws, policies and programmes to ensure that each and every child grows up in an environment of love and understanding, enjoys freedom from fear and from want, is protected from discrimination, violence and exploitation and is given all opportunities to develop to the fullest potential. With the Convention, we are committed to ensure that the opportunities of life are not determined by the circumstances of birth.”

Marta Santos Pais, Editorial Board of the UN Secretary-General’s Study on Violence against Children



are holders of human rights and acknowledges their distinct legal personality and evolving capacities, is the most widely accepted human rights treaty, having been ratified or acceded to by 192 States. Its 42 substantive articles set out civil, political, economic, social and cultural rights, formulated to address the special needs of the child, defined by the CRC as every human being under the age of 18, unless majority is attained earlier under national law.²

The CRC sets up a framework of legal principles and detailed standards which should govern all law, policy and practice affecting children. These include the promotion of prevention of violence, and responses to protect all children from all forms of violence.

Various articles of the CRC assert the rights of children to physical and personal integrity, and establish high standards for protection. Article 19 requires that States which are parties to the CRC 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.” The breadth of this obligation has been emphasised by the Committee on the Rights of the Child.

The Committee has also underlined the requirement that all violence against children be prohibited. This includes all forms of corporal punishment, however light. The Committee’s General Comment No. 8 on the Right

of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment, adopted at its forty-second session in June 2006, highlights the obligation of all States to move quickly to prohibit and eliminate all corporal punishment and other cruel or degrading forms of punishment of children, focusing on the legislative, awareness-raising and educational measures that States must take.³

The General Comment makes clear that the Committee does not reject the positive concept of discipline, and recognises that parenting and caring for children, especially babies and young children, demands frequent physical action and intervention to protect them. The Committee indicates that this is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation to children.

“Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.”

Committee on the Rights of the Child, General Comment No. 8, para. 3⁴

Article 28(2) of the CRC requires that school discipline be “administered in a manner consistent with the child’s human dignity and

“Children are betrayed every day by silence, inaction, and impunity. Teachers who have sexually assaulted their pupils continue to teach. Police officers who have tortured children before witnesses remain on duty. Orphanage staff who subject children to shocking levels of cruelty and neglect suffer no consequences. Too often, children are victimized twice: first by the initial abuse, and again by the failure of authorities to hold perpetrators accountable.”

Jo Becker, Editorial Board of the UN Secretary-General’s Study on Violence against Children

in conformity with the present Convention.” In interpreting this provision, the Committee underlines that it requires States parties to prohibit corporal punishment and all other humiliating and harmful forms of discipline in the educational context.

“...Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child, enables the child to express his or her views freely in accordance with article 12(1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28(2) and promotes non-violence in school...”

*Committee on the Rights of the Child,
General Comment No. 1⁵*

Articles 32 to 36 entrench the child’s legal right to protection from various forms of exploitation: from economic exploitation and from “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” (article 32); from “the illicit use of narcotic drugs and psychotropic substances” and involvement “in the illicit production and trafficking of such substances” (article 33); from “all forms of sexual exploitation and sexual abuse,” including prostitution and pornography (article 34); from abduction, sale and trafficking (article 35); and from “all other forms

of exploitation prejudicial to any aspects of the child’s welfare” (article 36).

Article 38, by which States parties undertake to respect and to ensure respect for the rules of international humanitarian law applicable to them in relation to children and armed conflicts, recalls the obligations laid down in the Geneva Conventions, while article 37 declares that no child shall be subjected to “torture or other cruel, inhuman or degrading treatment or punishment,” nor sentenced to capital punishment or to life imprisonment without possibility of release. Article 37 also prohibits all arbitrary or unlawful restriction of the liberty of children, and sets out strict limits and conditions for any deprivation of liberty, which apply to any restriction of liberty imposed for ‘welfare’ as well as for ‘penal’ purposes. Article 39 obliges States to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of violence.

Together with article 37, article 40 on the administration of juvenile justice sets out detailed safeguards: children who come into conflict with the law should be “treated in a manner consistent with the promotion of the child’s sense of dignity and worth,” which, combined with article 19, requires the State to ensure that children do not suffer violence at the hands of State officials at any stage of the system. Treatment and punishments must not involve physical or mental violence of any kind. Wherever appropriate and desirable, there should be diversion from judicial systems; for children found guilty of infringing the law there should be alternatives to institutional care, “such as care, guidance and supervision orders;

counselling; probation; foster care; educational and vocational training programmes.”

Other provisions of the CRC are relevant to the protection of children from violence. These include civil rights relating to freedom of expression, information, conscience and religion, association, peaceful assembly, privacy and access to information (articles 12, 13, 14, 15, 16 and 17). Article 9 guarantees the child’s right not to be separated from parents unless it is in their best interests. Article 18 provides that States shall render appropriate assistance to parents and legal guardians in their performance of their child-rearing responsibilities; and under article 20, children deprived of a family environment are entitled to special State assistance and protection. Article 25 provides for a right of periodic review of placement or treatment. Obligations relating to adoption are set out in article 21, to refugee children in article 22, and to disabled children in article 23.

More general obligations – relevant particularly to the prevention of violence – are included in article 24 on the right to health and access to health services; articles 28 and 29 on the right to education and the aims of education; and article 27 on the right to an adequate standard of living.

The CRC is supplemented by two Optional Protocols, both adopted in 2000, which provide more detailed protection for children from particular forms of violence. The Optional Protocol on the sale of children, child prostitution and child pornography defines these violations. It also requires States parties to criminalise these activities and requires that

any participation in these acts, including attempt and conspiracy be penalised in a way that takes into account the gravity of these offences. It also requires States to close any premises used for child prostitution and pornography, and to seize and confiscate the proceeds of these activities, as well as any means used to facilitate them, and provides detailed provisions relating to the treatment of child victims. The Optional Protocol to the CRC on the involvement of children in armed conflict limits the recruitment of children under 18 years of age in armed conflict, and obliges States to provide the children who have participated in armed conflict with any necessary physical and psychological rehabilitation and support for reintegration within society.

The Committee on the Rights of the Child has identified articles 2, 3, 6 and 12 as providing general principles. In line with article 2, all rights in the Convention are available to all children without discrimination of any kind, and States parties are required to take all appropriate measures to protect children from discrimination.

The best interests of the child must be a primary consideration in all actions concerning children; thus all public and private bodies, courts and administrative authorities are required to consider the impact of actions on children in order to ensure that the best interests of the child are properly considered (article 3). The child’s inherent right to life and maximum capacity for survival and development, envisaged by the CRC to include physical, mental, spiritual, moral and social

“In bringing to light the many issues of children facing violence, we realize that our plight is part of a larger worldwide struggle for the realization of human rights. Our cry is not to be treated specially but, rather, humanely, in accordance with the core values of human dignity that are the cornerstones of the Universal Declaration of Human rights. As global citizens we demand to be acknowledged as first and not second class human beings.”

Declaration of children and young people, Regional Consultation, the Caribbean, 2005¹¹

“... interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child’s views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.”

Committee on the Rights of the Child, General Comment No. 8⁶

dimensions (article 6), is also identified as a general principle. Under article 12, the child has the right to express his/her views freely on all matters affecting them and to have their views given due weight in accordance with age and maturity.

The Committee on the Rights of the Child, which has been considering reports from States

“... in conceptualising violence, the critical starting point and frame of reference must be the experience of children themselves. Therefore children and young people must be meaningfully involved in promoting and strategising action on violence against children”.

Committee on the Rights of the Child, recommendations adopted following the day of general discussion on Violence against Children in the Family and Schools, 2001⁷

since 1993, has provided substantial guidance on States’ obligations on violence against children, in particular regarding recommendations issued following its two days of general discussion on Violence against Children in 2000⁸ and 2001⁹ and in its General Comments Nos 1¹⁰ and 8.¹¹

The Committee has been pleased to note that domestic courts, including constitutional and superior courts in many jurisdictions, have condemned violence against children in judgments which increasingly draw on human rights treaties, in particular the CRC, and the output of the human rights treaty bodies.

“Children have rights no way inferior to the rights of adults. Fiji has ratified the Convention. Our Constitution also guarantees fundamental rights to every person. Government is required to adhere to principles respecting the rights of all individuals, communities and groups. By their status as children, children need special protection. Our educational institutions should be sanctuaries of peace and creative enrichment, not places for fear, ill-treatment and tampering with the human dignity of students.”

Fiji Court of Appeal, 2002, in Naushad v. the State, holding that corporal punishment in schools and the penal system is unconstitutional¹²

INTERNATIONAL CRIMINAL, HUMANITARIAN, REFUGEE AND LABOUR LAW

The protection provided to children through human rights provisions is relevant at all times. At the same time, the Rome Statute of the International Criminal Court, the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 provide key legal protection to children in internal and international conflict. Children who meet the definition of a refugee within the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol have access to a wide array of rights and protections, including legal aid and material protection, as well as the right not to be returned to the place where they face persecution. While not legally binding, the 1998 Guiding Principles on Internal Displacement consisting of 30 principles, provide protection and assistance for individuals throughout displacement, and establish guidelines for safe return, resettlement and reintegration. The Guiding Principles pay particular attention to the rights and needs of children, in particular girls, prohibiting sale of children into marriage, sexual exploitation, forced labour and the recruitment or use of children during hostilities.

Trafficking generally, including the trafficking of children, is addressed in the first consolidated instrument on this issue, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of Others which was adopted by the General Assembly in 1950. Provisions directed at the elimination of traf-

ficking are also included in the Conventions on the Elimination of Discrimination against Women and Rights of the Child, and the International Labour Organization's Worst Forms of Child Labour Convention (1999), No. 182. In 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime and its supplementary Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Convention provides for cooperation in investigation, mutual legal assistance, and extradition where trafficking is concerned. The Trafficking Protocol, now accepted by 105 States from all regions of the world (as of the 6th of September 2006), includes the first international legal definition of trafficking, makes provision for assistance and protection of victims of trafficking, and requires States parties to criminalise this activity, as well as to provide assistance and protection for victims. It also sets out preventive measures in this context.

Specific rights and protection for children in the context of work are provided by the numerous conventions elaborated by the International Labour Organization, with particular protection being provided by the Minimum Age Convention (1973), No. 183 and the Worst Forms of Child Labour (1999), No. 182.

“Fundamental rights, children rights are yet to be built, first and foremost at national level.”

Françoise Tulkens, Judge of the European Court of Human Rights, April 2006¹¹¹

REGIONAL HUMAN RIGHTS SYSTEMS

The international legal framework for the promotion and protection of human rights and the standards that it provides in respect of violence against children are reinforced by treaties which have been adopted regionally, by the Council of Europe, the European Union, the Organization of American States, the African Union, and mechanisms established to monitor and enforce them. The African Charter on the Rights of the Child is particularly relevant, as is the African Protocol on the Rights of Women adopted in 2004 which contains provisions directed at the elimination of harmful traditional practices, including female genital mutilation (FGM), scarification, medicalisation of harmful traditional practices, and establishes 18 years as being the minimum age for marriage.

Regional human rights mechanisms, responsible for the oversight of these legal instruments have addressed various forms of violence against children. For example, the European Court of Human Rights has found violations of the European Convention on Human Rights in a number of judgements concerning cases of corporal punishment in the penal system, schools and the home.¹³ Other judgements of the Court have concerned sexual abuse, failures of child protection systems and juvenile justice.¹⁴ The European Committee of Social Rights, which monitors compliance with the European Social Charter and the Revised Social Charter, has held that these instruments require prohibition in legislation of any form of violence against children.¹⁵

“The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence.”

*European Committee of Social Rights (2001). General observation in General Introduction to Conclusions XV–2, Volume 1*¹⁶

In 2002, the Inter-American Court of Human Rights issued an Advisory Opinion on the legal status and human rights of the child: this indicates that States parties to the American Convention on Human Rights are under an obligation to adopt all positive measures to ensure protection of children against mistreatment, whether in their relations with public authorities or private individuals or with non-governmental entities.¹⁷

In 2003, the African Commission on Human and Peoples’ Rights decided that lashing of students constituted cruel, inhuman or degrading punishment and requested that the State concerned amend the law, abolish lashing as a penalty and take appropriate measures to compensate the victims.¹⁸

“Eradicating violence requires that the common aim and intrinsic connections between health and human rights are used to safeguard human dignity and improve well-being.”

Dr Gro Harlem Brundtland, Former Director-General, WHO

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“There is no right for individuals, and particularly the Government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State-sponsored torture (under the African Charter on Human and Peoples’ Rights) and contrary to the very nature of this human rights treaty.”

*African Commission on Human and Peoples’ Rights, Curtis Francis Doebbler v. Sudan, Communication No. 236/2000 (2003)*¹⁹

NON-BINDING INSTRUMENTS

International and regional human rights treaties are supplemented by instruments which, although not legally binding, set standards or elaborate principles which are concerned with the eradication of violence against children. Within the United Nations, rules and guidelines have been adopted on the administration of juvenile justice (the Beijing Rules, 1985), the prevention of juvenile delinquency (the Riyadh Guidelines, 1990) and the protection of juveniles deprived of their liberty. The 1993 United Nations Declaration on Violence against Women defines gender-based violence, and provides guidance to States on the steps that should be taken to address violence against women and girls.

The outcome of United Nations world conferences and their reviews by special sessions of the General Assembly also address violence against children. The 2002 General Assembly special session on children includes a substan-

tial section on violence against children in its outcome document, “A World Fit for Children.” The Millennium Development Goals adopted by the Millennium Summit in 2000, and the Outcome of the 2005 UN Summit also include agreements which are relevant to the elimination of violence against children.

Non-legally-binding but highly persuasive instruments relevant to the context of violence against children have also been adopted within the framework of the governing bodies of the specialised agencies and other entities of the United Nations system. These include resolutions adopted by the governing bodies of the WHO (see box) and UNICEF. The Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) adopted a policy on refugee children in 1993, and it has developed guidelines on the protection and care of refugee children, which provide detailed guidance aimed at ensuring that child refugees are protected from physical and sexual violence, especially when they are living in large refugee camps.

By becoming party to international and regional treaties, States incur legally binding obligations to respect, protect and fulfil the rights they have said they comply with. They are required to refrain from interfering in the enjoyment of rights, protect individuals from violence by non-State actors, and take positive steps to ensure that human rights can be exercised.

Where violence against children is concerned, Governments are required to take immediate and positive steps to prevent and eliminate all forms of violence against children and to

REGIONAL TREATIES RELEVANT TO VIOLENCE AGAINST CHILDREN*

Organization of American States:

Inter-American Convention to Prevent and Punish Torture
Inter-American Convention on the Forced Disappearance of Persons
Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities.
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ‘Convention of Belém Do Pará’

African Union:

African Charter on Human and Peoples’ Rights
Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa
African Charter on the Rights and Welfare of the Child

South Asian Association for Regional Cooperation (SAARC):

Convention on Regional Arrangements on the Promotion of Child Welfare
Social Charter
Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution

League of Arab States:

Arab Charter on Human Rights (adopted 1994, revised 2005; *not yet in force*)

European Union:

Communication from the Commission: Towards an EU Strategy on the Rights of the Child, *Brussels, 4.7.2006, COM (2006) 367 final*
Communication from the Commission to the European Parliament and the Council: Fighting trafficking in human beings – an integrated approach and proposals for an action plan, *Brussels, 18.10.2005, COM (2005) 514 final*

Council of Europe:

European Convention for the Protection of Human Rights and Fundamental Freedoms
European Social Charter and the Revised European Social Charter
Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
European Convention for the Prevention of Torture and Other Inhuman and Degrading Treatment or Punishment
Convention on Cyber Crime
Council of Europe Convention on Action against Trafficking in Human Beings

**This list is not exhaustive*

THE WORLD HEALTH ORGANIZATION

The activities of the World Health Assembly in relation to violence against children also reflect commitment by Governments and constitute a strong platform to address violence against children which complements human rights.

The public health mandate for addressing violence against children is grounded in the World Health Organization's broader mandate for prevention of all forms of violence. The World Health Assembly, governing body of the World Health Organization, in resolution WHA 49.25 (1996), declared violence to be a leading worldwide public health problem and expressed particular concern at levels of violence against women and children; it urged Member States to assess the problem of violence, and requested that WHO present a plan of action for the prevention of violence. The World Health Assembly endorsed the plan of action and called for its further development (resolution WHA 50.19).

In response to these resolutions WHO prepared the first world report on violence and health, launched in 2002. The World Report on Violence and Health described the extent of violence as a global public health problem, set out a public health-oriented prevention strategy, and made nine recommendations. The report inspired the World Health Assembly to adopt a resolution (WHA 56.24) urging Member States to promote the report recommendations, appoint a ministry of health focal point for violence prevention, and prepare a national report on violence and violence prevention.

respond to it effectively if it occurs, ensuring that perpetrators do not enjoy impunity. States are required to ensure that their authorities, such as the police or teachers in State-run schools do not perpetrate violence against children through the adoption of legislative and other measures to prevent such acts through, for example, training police and other State officials in investigation techniques which do not involve violence. They are also required to adopt legislative and other measures to protect children and to prevent and to deter parents, legal guardians and other non-State actors from a violating children's rights through violence.

International law thus provides a powerful, overarching legal framework which demands a multifaceted response. Required responses will vary according to the type of violence and the setting in which it occurs. They will include public health responses, which emphasize prevention, criminal law responses, compensation, education, health or legislative approaches.²⁰

The existing standards in international law relevant to violence against children are comprehensive and detailed. The challenge is to ensure that all States implement their obligations. The systemic and widespread nature

of violence against children in all its forms and all its settings must be recognised and acknowledged. Thereafter, appropriate and effective legislative, policy and programmatic responses must be put in place, implemented, monitored and consistently modified so as to respond effectively and urgently to this massive global issue.

REFERENCES

- 1 UNICEF (2005). *UN Human Rights Standards and Mechanisms to Combat Violence against Children: A Contribution to the UN Secretary-General's Study on Violence against Children*. Florence, UNICEF Innocenti Research Centre.
- 2 UNICEF (2001). *Implementation Handbook for the Convention on the Rights of the Child*, Revised edition. Geneva, UNICEF.
- 3 Committee on the Rights of the Child (2006). *General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment*, (articles 19, 28(2) and 37, inter alia), CRC/C/GC/8.
- 4 Committee on the Rights of the Child (2006). *General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment* (articles 19, 28(2) and 37, inter alia), CRC/C/GC/8, para 3.
- 5 Committee on the Rights of the Child (2001). *General Comment No. 1. The Aims of Education*. CRC/GC/2001/1, para 8.
- 6 Committee on the Rights of the Child (2006). *General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment* (articles 19, 28(2) and 37, inter alia), CRC/C/GC/8, para 26.
- 7 Committee on the Rights of the Child (2001). *Recommendations Adopted Following the General Discussion Day on Violence within the Family and in Schools*. Report on the 28th session, September/October 2001, CRC/C/111.
- 8 Committee on the Rights of the Child (2000). *General Discussion Day on the State of Violence against Children*. Report on the 25th session, September/October 2000, CRC/C/100.
- 9 Committee on the Rights of the Child (2001). *General Discussion Day on Violence within the Family and in Schools*. Report on the 28th session, September/October 2001, CRC/C/111.

- 10 Committee on the Rights of the Child (2001). *General Comment No. 1. The Aims of Education*, CRC/GC/2001/1.
- 11 Committee on the Rights of the Child (2006). *General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment* (articles 19, 28(2) and 37, inter alia), CRC/C/GC/8.
- 12 Fiji Court of Appeal (2002). *Naushad Ali v. State*. Cited in: Committee on the Rights of the Child (2006). *General Comment No. 8. The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment* (articles 19, 28(2) and 37, inter alia), CRC/C/GC/8.
- 13 UNICEF (2005). *UN Human Rights Standards and Mechanisms to Combat Violence against Children: A Contribution to the UN Secretary-General's Study on Violence against Children*. Florence, UNICEF Innocenti Research Centre.
- 14 UNICEF (2005). *UN Human Rights Standards and Mechanisms to Combat Violence against Children: A Contribution to the UN Secretary-General's Study on Violence against Children*. Florence, UNICEF Innocenti Research Centre.
- 15 European Committee of Social Rights (2001). Conclusions XV-2, Volume 1. General Introduction: General observations regarding Articles 7 para. 10 and 17, pp 27 et seq.
- 16 European Committee of Social Rights (2001). Conclusions XV-2, Volume 1, General Introduction: General observations regarding Articles 7 paras 10 and 17, p 27.
- 17 Inter-American Court of Human Rights (2002). *Advisory Opinion OC-17/2002, Legal Status and Human Rights of the Child*. 28 August 2002, paras 87 and 91.
- 18 African Commission on Human and Peoples' Rights (2003). *Curtis Francis Doebbler v. Sudan*. African Commission on Human and Peoples' Rights, Communication No. 236/2000.
- 19 African Commission on Human and Peoples' Rights (2003). *Curtis Francis Doebbler v. Sudan*. African Commission on Human and Peoples' Rights, Communication No. 236/2000, para. 42.
- 20 Krug EG et al. (Eds) (2002). *World Report on Violence and Health*. Geneva, World Health Organization.

QUOTES

- I Council of Europe (2006). Monaco launching conference for 'Building a Europe for and with Children', 4-5 April 2006. Available at: http://www.coe.int/t/transversalprojects/children/events/monacoLaunch_en.asp
- II United Nations Secretary-General's Study on Violence against Children (2005). *Regional Consultation Outcome Report: the Caribbean*, p 22. Available at: www.violencestudy.org/r27.
- III Council of Europe (2006). Monaco launching conference for 'Building a Europe for and with Children', 4-5 April 2006. Available at: http://www.coe.int/t/transversalprojects/children/events/monacoLaunch_en.asp