

CRC, CRC/C/103 (2001)

Annex VIII

DAY OF GENERAL DISCUSSION (29 SEPTEMBER 2001)

VIOLENCE AGAINST CHILDREN WITHIN THE FAMILY AND AT SCHOOL

Introduction

In accordance with rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights theme.

The Committee believes that there is a need to increase further the attention given to violations of the right of children to be protected from all forms of violence. At its twenty third session, in January 2000, the Committee on the Rights of the Child decided to devote two annual days of general discussion (in September 2000 and September 2001) to the theme “Violence against children”.

The purpose of the general discussions is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific topics. The discussions are public. Government representatives, United Nations human rights mechanisms, as well as United Nations bodies and specialized agencies, non-governmental organizations, and individual experts are invited to take part.

Background

The Committee has already held several discussion days on issues of relevance to this topic, including:

In 1992 on children in armed conflict;

In 1993 on economic exploitation of children;

In 1994 on the role of the family in the promotion of the rights of the child;

In 1995 on the girl child;

In 1995 on the administration of juvenile justice.

The Committee decided to divide the additional discussion of this topic into two different sessions, in order to permit more in-depth analysis. This division does not imply any conceptual distinction and should not be seen as negating the many aspects shared by all forms of violence exerted against children, and in particular the fact that the root causes of such violence are often the same wherever it is exerted. In order to have time for more detailed consideration, the

Committee decided to focus the discussion of “Violence against children” in 2000 on State violence suffered by children living in institutions managed, licensed or supervised by the State, and in the context of “law and public order” concerns. In 2001, the focus will be on the problems of violence suffered by children within the family and in schools.

Theme for the day of general discussion

The Committee will explore the different aspects of the violence suffered by children in schools and at home during its day of general discussion in September 2001. The Convention on the Rights of the Child establishes high standards for the protection of children against violence, in particular under articles 19 and 28, as well as articles 29, 34, 37, 40, etc. but taking also into account the general principles contained in articles 2, 3, and 12 and in particular in article 6. The discussion is expected to explore the impact that the violence suffered by children in schools and within the family has on their enjoyment of all other human rights, and in particular the right to development of the child, including physical, mental, spiritual, moral, psychological and social development in a manner compatible with human dignity.

The division of this issue into two sub-themes for in-depth working group discussion will unavoidably lead to a certain amount of overlap between the different working group sessions, while other relevant issues may receive less attention. While aware of the possibility, the Committee considers that discussion in working groups is necessary to allow more detailed discussion of specific topics.

Particular attention should be paid by the discussions under both sub-themes to the position and special vulnerability of children who have been marginalized or discriminated against on the basis of their ethnic origin or economic status who can be, for example, singled out in schools for bullying or degrading treatment by teachers or be more vulnerable to violence within the family that escapes detection by the normal monitoring systems (for example for families that are homeless or illegal migrants).

Attention should also be paid to the distinct problems sometimes posed by gender discrimination. For girls, the fear of violence or sexual abuse from teachers and other students can more often lead to withdrawal from school. Girls are also often at higher risk of sexual abuse and other forms of violence within the family (including, for example, “honour killings” or traditional harmful practices). On the other hand, boys can also face discrimination that exposes them to a distinct risk of violence, as they are more often the victims of inadequate protection from violence by other students. Boys are also sometimes discriminated against by legislation or social values that makes them subject to forms of school “discipline” banned for girls, or tolerates the application of more brutal forms of discipline within the family.

Sub-themes for working group discussions

1. Violence within the family

The Convention on the Rights of the Child enshrines the principle that it is parents and guardians who bear the primary duty and responsibility for the upbringing of children, with the necessary support of the State (arts. 5 and 18). Article 19 requires States to take all appropriate

measures to protect children from all forms of violence, abuse, neglect and maltreatment, including sexual abuse, while in the care of parents or legal guardians.

The discussion will explore the problem faced by States in respecting the best interests of the child and other rights enshrined in the Convention in seeking to protect children from abuse while respecting the right to family privacy and the rights and responsibilities of parents. Issues to be discussed will include: appropriate legislation; the need for timely and effective identification and reporting of cases of child abuse and the role in that regard of health and other professionals working for and with children; the importance of multidisciplinary approaches and resources for prevention and intervention; the involvement of civil society, including NGOs; and the crucial role of appropriate training for relevant professionals.

In addition, the discussion will examine the role played by cultural values and social attitudes which may foster, tolerate, or even justify violent forms of discipline or other violent acts against children within the family, and the important role that civil society, including NGOs, can play in this respect. The acceptance of corporal punishment as a disciplinary measure reflects a problematic attitude to the rights of children. The notion that some forms of violence against children are acceptable or could be tolerated creates or maintains a social climate in which it is more difficult to prevent and detect extreme forms of violence and abuse against children, including incest and infanticide. Attention should also be given to the impact of domestic violence, for example spousal abuse, on children. This form of violence can not only create a climate in which children can not only become victims of violence but also makes violence a “normal” part of growing up and may in that way contribute to the perpetuation of the cycle of family violence for future generations.

2. Violence in schools

The first aspect of violence against children that violates the rights of children in schools is that exerted by teachers upon students, in the name of school discipline. Such methods of “discipline” (including corporal punishment, but also other treatment that can be defined as “cruel, inhuman or degrading”) are not consistent with the requirement of respect for the child’s dignity and his or her rights under the Convention, as specifically required by article 28 (2). The discussion should address the identification of appropriate and inappropriate forms of discipline, and consider the problems encountered by many States in implementing article 28 (2). Recommendations should address the most useful strategies and measures that can be taken by States, NGOs, parents and children themselves to address the problem in States where:

National legislation bans all inappropriate forms of discipline in schools, but practical implementation of the legislation is not satisfactory;

National legislation bans only some of the inappropriate forms of discipline but bans it only in certain types of school;

National legislation does not conform with article 28 (2).

Discussions of violence against children in schools are also expected to cover the problem of bullying, or violence and harassment suffered by students at the hands of other students. The failure to prevent such forms of violence and to protect students from violence at the hands of other students can deny children their right to education as set out by articles 28 and 29 of the Convention, as well as its general principles, in particular the right to development enshrined in article 6. Useful strategies and measures to be identified by the discussion will include in particular the importance of active participation by children in efforts to prevent and combat bullying.

The discussion is also expected to address the related problem of violence suffered by teachers at the hands of students. Problems of vandalism and aggression against teachers can limit the ability of schools to protect children against inappropriate forms of discipline or bullying, and contribute to creating a school environment which fails to provide the education that children are entitled to under articles 28 and 29 of the Convention. The discussion is expected to identify useful strategies and measures that can address the problem of school violence while avoiding extreme security measures that can also violate the rights of children.

Approach and objectives for the day of general discussion

The subject of “Violence against children within the family and at school” is of particular relevance to a number of other United Nations human rights mechanisms. One objective of the discussion will be to facilitate the exchange of information and of the experience accumulated by different mechanisms in identifying the most productive approaches to the prevention and monitoring of human rights violations of this type.

The possible topics for discussion in the two working groups mentioned above are not meant to be exhaustive. Other issues that can be considered would include the concept of the “child’s human dignity” as the crucial standard for school discipline, or the role of criminal law and/or child protective measures in the case of violence against children within the family. But when discussing the various aspects of the two sub-themes of the discussion, the working groups should be guided by the key objectives of the meeting, which will be:

- (a) To present, analyse and discuss the nature, extent, causes and consequences of violence against children as described above;
- (b) To present and discuss policies and programmes (including legislative and other measures) at the national and international levels to prevent and reduce these types of violence against children;
- (c) In particular, to present recommendations focusing on concrete measures which should and could be taken by States parties to reduce and prevent violence against children in these circumstances, including in particular:
 - (i) The review of relevant legislation; and

(ii) Useful strategies for public information and education campaigns designed to change cultural values and social attitudes that sanction the use of violence against children at school and within the family;

(d) To complement the recommendations adopted by the Committee as a result of the day of general discussion held in September 2000 on “State violence against children” and examine their relevance to the two sub-themes of violence against children at school and within the family.

Participation in the day of general discussion

United Nations programmes and agencies are always invited to participate in the days of general discussion organized by the Committee on the Rights of the Child. Governments are also invited to attend and encouraged to participate actively. The meeting will be open to the public, with information on participation distributed to United Nations programmes and agencies, NGOs and other interested individuals and organizations.

The meeting will be held during the twenty-eighth session of the Committee at the Office of the High Commissioner for Human Rights (Palais Wilson, Geneva) on Friday, 28 September 2001.

The Committee on the Rights of the Child invites written contributions on the issues and topics mentioned, within the framework outlined above. Contributions should be sent before 30 June 2001 (if possible in electronic version) to:

Secretariat, Committee on the Rights of the Child
Office of the High Commissioner for Human Rights, UNOG-OHCHR
CH-1211 Geneva 10
Switzerland
e-mail <mbustelo.hchr@unog.ch> or <ssyed.hchr@unog.ch>

For security reasons, and owing to limited space, participation in the meeting will require registration. Participants should send their full name, organization and contact details (preferably by e-mail) before 14 September 2001, indicating which of the two working groups registered participants intend to attend, to the above address.