

CRC, CRC/C/111 (2001)

V. DAY OF GENERAL DISCUSSION

674. In accordance with rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights theme in order to enhance understanding of the contents and implications of the Convention.

675. At its twenty-third session, in January 2000, the Committee decided to devote two annual days of general discussion (in September 2000 and September 2001) to the theme “Violence against children”.

676. In an outline prepared to guide the general discussion on “Violence against children, within the family and in schools” (for the full outline, see CRC/C/103, annex VIII), the Committee pointed out that the Committee had 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.

677. 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 would be on the problems of violence suffered by children within the family and in schools. This division did not imply any conceptual distinction and should not be seen as negating the many aspects shared by all forms of violence against children.

678. 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, and others, but taking also into account the general principles contained in articles 2, 3 and 12 and, in particular, in article 6. The division of this issue into two sub-themes for in-depth working group discussion would unavoidably lead to a certain amount of overlap. Particular attention should be paid during the discussions under both sub-themes to the position and special vulnerability of children suffering discrimination on ethnic grounds and socio-economically marginalized children; attention should also be paid to the distinct problems sometimes posed by gender discrimination, as girls and boys could experience different patterns of abuse and vulnerability.

679. The two working groups would concentrate on the following issues:

(a) Working Group I - violence within the family. The Convention on the Rights of the Child enshrined the principle that parents and guardians 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;

(b) Working Group II - violence in schools. The first aspect of violence against children that violated the rights of children in schools, was 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”) were 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. Discussions of violence against children in schools would also be 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 them could deny children their right to education as set out in articles 28 and 29 of the Convention, as well as in its general principles and in particular the right to development enshrined in article 6.

680. The key objectives of the meeting would 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) And, 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, in schools 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 in schools and within the family.

681. As for previous thematic discussions, the Committee invited representatives of United Nations organs, bodies and specialized agencies, as well as other competent bodies, including non governmental organizations, research and academic organizations and individual experts, to contribute to the discussion.

682. Several organizations and individual experts submitted contributions and other relevant documents on this theme. The list of these contributions is contained in annex VIII.

683. Representatives of the following organizations and bodies participated in the day of general discussion:

Governmental Bodies

Children's Services, Ministry of Education, Ministry of Finance and Planning, Ministry of Health, Office of the Attorney-General, and Office of the Vice-President of Kenya; Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva; Children's Rights Commission, Ministry of Education, and Ministry of Justice of Oman.

United Nations entities and specialized agencies

Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Non-Governmental Liaison Service, International Labour Organization, World Health Organization (and its European Regional Office).

National human rights institutions

Défenseure des enfants (France)

Non-governmental organizations

Article 12, Amnesty International, Brahma Kumaris World Spiritual University, Children's Rights Alliance for England, Children's Rights Centre of Gent University (Belgium), Commission on International Affairs of the World Council of Churches, Consortium for Street Children (United Kingdom), Coordination des ONG pour les droits de l'enfant/Kinderrechten Coalitie (Belgium), Defence for Children International (DCI), EPOCH-Worldwide, Falun Gong International Committee for Human Rights, Federation for the Protection of Children's Human Rights (Japan), Focal Point on Sexual Exploitation of Children, Global Initiative to End All Corporal Punishment of Children, Human Rights Watch, HakiElimu (United Republic of Tanzania), Institut International des Droits de l'Enfant (Switzerland), Inter-African Committee on Harmful Traditional Practices Affecting the Health of Women and Children, International Association of Youth and Family Judges and Magistrates, International Council of Women, International Federation of Social Workers, International Save the Children Alliance, International Society for the Prevention of Child Abuse and Neglect (ISPCAN), Kenya Alliance for the

Advancement of Children, NGO Group for the Convention on the Rights of the Child, Organisation pour la Sauvegarde des Droits de l'Enfant (OSDE), Radda Barnen Sweden, Save the Children Spain, Save the Children UK, SOS-Kinderdorf International, University of Hull Law School (United Kingdom), Women's World Summit Foundation, World Association of Girl Guides and Girl Scouts (WAGGGS), World Organisation against Torture (OMCT), World Union of Catholic Women's Organisations, World Vision International.

Individual experts

Bruce Abramson (consultant, Switzerland), Julie Biaggi (social worker, United States of America) and Maître Bouhoubeyni (lawyer, Mauritania).

684. The meeting was opened by Mr. Doek, Chairperson of the Committee on the Rights of the Child, who welcomed participants and guests. The first part of the morning session (see CRC/C/SR.729) was devoted to the statements of the High Commissioner for Human Rights, Mary Robinson, a representative of UNESCO, Antonella Verdiani, a representative of UNICEF, Marta Santos Pais, a representative of WHO, Alex Butchart and the Chairperson.

685. Mrs. Robinson welcomed the holding of the discussion day. She recalled the tragic events of 11 September and pointed out that the violence suffered by children within the family and in schools, while less often examined in the human rights context was nonetheless of fundamental importance. Mrs. Robinson pointed out that the human rights of children were violated not only when violence was exerted by agents of the State, but also when States failed to live up to their obligation to protect children from violence at the hands of others. Even when the human rights of children and those of adults appeared to be in conflict, balancing such rights did not amount to denying them. Recognizing children as fully fledged subjects of rights required that mistreatment of children be considered unacceptable when it took forms that would be considered intolerable if applied to adults. The High Commissioner called for the international community to give greater priority to the protection of children against all forms of violence.

686. Ms. Verdiani pointed out that the attacks in the United States had emphasized the importance of combating violence in all its aspects, including through the development of a culture of peace through education, an important area of activity for UNESCO.

687. Ms. Santos Pais said that UNICEF was encouraged by the increased attention paid to the protection of children against violence and the recognition of the need to learn more about the magnitude of the problem. She said that there was a belief in certain quarters that children could not successfully be taught discipline, given guidance or educated without some form of punishment. She drew attention to the valuable information contained in reports prepared by States as part of the review of progress accomplished since the World Summit for Children in 1990, and in the Secretary-General's report "We the Children". UNICEF had identified the protection of children from abuse, violence and exploitation as one of its five priorities for the next four years. Special emphasis would be put on seeking to ensure a safe environment for children, including in the home and in school. UNICEF would conduct a study on freedom from

violence in education. Special attention needed to be paid to the particular vulnerability of different groups of children and to the promotion of violence-free learning environments. Violence as an educational or disciplinary measure should become a thing of the past.

688. Mr. Butchart pointed out that the organization's new corporate strategy endorsed a broad approach to health, citing human rights as a new emphasis for WHO in its work. Child abuse and neglect were problems of epidemic proportion that inflicted damage both at the time of abuse and again later, as they increased the risk that victims would be victimized again or would themselves become perpetrators. Cross-country comparisons were problematic, but there seemed to be substantial variations in the prevalence of child abuse, indicating that violence, with its many negative consequences for child health and development, was preventable. WHO promoted a public health approach to preventing violence, grounded in human rights. Public health served to support the practical realization of the legal obligation of States to protect the rights of children. WHO was particularly active in the area of child rights and aimed to build bridges between human rights approaches and objective indicators of child safety by assisting in the development of practical tools for use by policy makers and practitioners in delivering the best possible preventive interventions. Resolution 49.25 adopted by the World Health Assembly in 1996 declared violence to be a global public health problem. WHO would publish in 2002 its first "World Report on Violence and Health", which will be used to develop a global framework for prevention, establishing links to human rights and international legal instruments that could help to promote violence prevention. WHO believed in the need for an interdisciplinary approach, and it could oversee a multi-country survey on the magnitude and nature of violence against children, existing responses, and the use of the Convention. It could also provide technical support at the local level, where needed, to implement the Convention, and would also welcome and be ready to assist in the preparation of related general comments.

689. Mr. Doek pointed out that when large-scale and horrifying forms of violence dominated the news, violence against children within the family and in schools could seem like a minor problem, yet that was not the case. In terms of numbers and of life-long impact, violence against children in such settings posed very serious threats to the child's development. Many millions of children were physically, sexually and emotionally abused within the home, and many were also victims of bullying and of violence from teachers. Special attention should be given to the vulnerability of children suffering ethnic discrimination and socio-economically marginalized children, who could be singled out for harassment at school or subjected to family violence that escaped detection. Gender discrimination also posed distinct problems as girls and boys were both subjected to violence but could experience different patterns of abuse and vulnerability, with girls sometimes at higher risk of sexual abuse or forms of family violence that included "honour killings" and traditional harmful practices, while boys could be discriminated against by legislation or social values that could make them subject to brutal forms of school or family "discipline" not applied to girls.

690. The participants divided into two working groups for the rest of the morning session. Working Group I on violence against children within the family was chaired by Mr. Doek. John Kydd, of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) served as resource person for the group. Working Group II on violence against children within

schools was chaired by Ms. Karp, Rapporteur of the Committee. Rakesh Rajani, of HakiElimu, served as resource person for the group.

691. Mr. Kydd introduced the discussion in Working Group I. He emphasized the need for reaching agreement on an integrated multisectoral approach to prevention and intervention based on a common understanding of the problem. The Convention should serve as the framework to define violence, covering all types of families and perpetrators. The categories of violence included should also be clearly identified, and an analytical framework was needed that would best allow the identification of underlying causes of violence, including the factors that contributed to family violence. An agreed approach was also needed to identify the frequency and severity of family violence globally. Mr. Kydd described the elements needed to promote action against family violence. They included the need to involve different sectors of society, from policy makers and health professionals to educators, legal professionals, the mass media, organizations of civil society, religious and community leaders and the parents and children themselves. Particular attention needed to be given to meaningful forms of child participation. The signs and symptoms of family violence must be defined and the need for legal reform and reporting systems for professionals assessed. Priorities for action must be defined, and attention must be given to the local cultural and community context in doing so. There was a particular need to identify successful programmes and approaches, for prevention, intervention and recovery; legal reform; dissemination of the Convention and human rights education; public awareness-raising campaigns; training of professionals; strengthened support and assistance to families; reform of social care systems to emphasize multidisciplinary teams and approaches; establishment of monitoring and complaint mechanisms; and child participation in the design of effective strategies. Increased resources and attention must be allocated to the study and prevention of family violence; to help promote higher priority, the size and cost of the problem must be estimated.

692. The discussion in Working Group I revealed some differences in emphasis and preoccupations among participants from different countries. Some participants felt that priority should be given in some countries to breaking taboos that made intervention within the family almost impossible and to the adoption of legal frameworks that would establish the basic principle of protection against violence within the family. Other participants felt that such an approach would risk establishing false distinctions between different forms of violence whereas all forms of violence against children, including psychological and emotional abuse and violence used as a form of “discipline”, must be combated. All participants agreed that all forms of violence should be considered unacceptable, but some felt that different forms of violence within the family called for different approaches to prevention and protection that must be taken into account in defining effective strategies. Thus, combating the use of corporal punishment as a form of discipline required a positive approach, based on sensitization and education about the harmful impact of such forms of “discipline” and about the availability of alternative forms of discipline and their greater effectiveness. Other forms of violence and abuse within the family could be addressed without the need to provide alternatives. Several participants pointed to the need to adopt broad and comprehensive approaches to violence against children within the family, including, such issues as female genital mutilation, marital rape in connection with early marriages, and violence inflicted by siblings rather than adults. Some participants suggested that

the definition of priorities and progressive strategies must take account of the context and circumstances and should be left to the national and community levels.

693. The group then explored key elements that must be included in the design of effective prevention, protection and recovery strategies. Participants gave particular attention to the role of legislation and the need for appropriate legal frameworks. Some participants pointed out that, while socially intolerable laws might be impossible to implement progressive legal reform must nonetheless play a part in a broader strategy to bring about changes in cultural attitudes and values that obstructed efforts to prevent violence against children within the family.

694. Participants also explored the fundamental importance of and great complexity involved in increasing support and assistance to families, which must play the key role in preventing family violence, particularly in helping to cope with economic and psychological stress and other risk factors. The emphasis must be on education and support to parenting, rather than on punishment. Prevention and protection efforts must emphasize the need to consider family separation as a measure of last resort, keeping in mind the best interests of the child and the need to avoid further trauma. The aim must be to achieve the best outcome with the least invasive intervention possible.

695. In order to promote the increased allocation of resources to the prevention of violence against children, participants in Working Group I suggested that additional research was needed in order to improve understanding of the factors that increased risk, of the effectiveness of prevention and intervention programmes, and of the real social and economic costs that result from violence. Among other key measures, participants mentioned the need for improved training for professionals working with and for children, including health and education professionals, social workers, legal and law enforcement professionals, etc.

696. Mr. Rajani introduced the subject of violence within schools in Working Group II. He suggested that the new vision of the status and dignity of children represented by the concept of child rights provided the context in which to define violence. In that context even the argument that corporal punishment could have a “beneficial” effect became questionable. In schools, violence also manifested itself in bullying, sexual harassment, etc., and it was important to understand the connections between the different forms of violence without defining it so broadly that the concept lost its potency. Mr. Rajani pointed out that the usefulness of legal reform might depend on other factors that made legislation effective. He also brought up the need for a discussion of the extent to which local and cultural contexts should be taken into account, including the role to be played by universal norms and international actors. The need to extend action based on the Convention from the international and national arenas to local communities should also be discussed. A major challenge was also posed by the question of how to involve children meaningfully and institutionalize their participation. In addition, Mr. Rajani suggested that both teachers and parents played a key role in relation to school violence and pointed to the need to discuss whether violence in that context should be criminalized. Effective action based on child rights would require higher priority in the allocation of resources, and advocacy efforts should reflect the experience gained in addressing domestic violence and violence against women. Finally, Mr. Rajani pointed out that the discussion should explore the best approaches to engaging with the public about alternatives to violence that could be used to

communicate and maintain discipline, and to support local communities in finding alternative ways to relate to children. Being able to offer inspiring alternatives could be more useful than condemning violence in achieving progress against it.

697. As was the case for Working Group I, most of the issues identified during the discussion in Working Group II are fully reflected in the recommendations adopted by the Committee. The discussion on the definition of violence was brief, with general acknowledgement that all forms of violence were interrelated and that focusing only on one would be counterproductive. Participants agreed that the problem of violence in schools was broader than the issue of corporal punishment, and that it included violence inflicted by teachers on students and also among students, including bullying and verbal harassment and abuse. Violence could escalate, from verbal to physical or sexual abuse. Moreover, violence in schools was seen as inextricably linked to violence with the family and community. The discussion focused mainly on the need to define guiding principles for the creation of a climate of security in which learning could take place. Approaches to preventing violence should be positive and guided by a vision that focused on the human dignity of the child rather than on violence itself. Participants agreed that all forms of violence should be considered unacceptable, regardless of any claims about perceived usefulness. Participants agreed to avoid a discussion on the universality of human rights norms with regard to corporal punishment, while acknowledging that the development of effective approaches at the international level must take account of the different local contexts, including diversity in the approach taken by different cultures to raising children in violence-free settings. The group also reached broad agreement on the need to address the issue of violence in schools using a holistic approach to education that considered public schools as well as private establishments and informal settings.

698. Participants highlighted the need for efforts to be comprehensive, and while the main actor in countering violence must be the State, given its obligations under the Convention, efforts must involve all stakeholders: children, teachers, parents and the local community. Participants stressed the need to consider children's experiences and to involve them in devising interventions. Teachers needed to see the elimination of violence in schools as useful to improve their own professional capacity, and parents and local communities must be encouraged to increase their involvement in the running of schools. Strategies discussed included the need for teacher training, for research into other education models, for promotion of alternative disciplinary measures, and for the establishment of systems to detect violence at schools and of centralized reporting mechanisms. Some participants pointed out that mandatory reporting must respect the individual rights of each child, but might not always protect the best interests of the child if it led to the involvement of law enforcement in circumstances where less intrusive interventions might achieve better outcomes. Challenges identified during the discussion included the need to bring about changes in attitudes, including among children, and to address resource constraints. Some participants felt that limited resources made the elimination of violence an unachievable ideal objective, while others pointed out that violence was also present in schools that had adequate salaries for teachers, class sizes, teaching materials and buildings. Participants noted the parallels that could be established with public campaigns and advocacy targeting violence against women, and agreed that support must be given to movements that empowered children.

699. During the afternoon session, the two working groups met again to discuss the draft recommendations prepared by the rapporteurs for each group, in consultation with the chairpersons. Mr. Kydd and Mr. Rajani, the rapporteurs of the two working groups, presented to the plenary meeting the recommendations that had been identified by each group (see CRC/C/SR.730). Ms. Karp, the Rapporteur of the Committee on the Rights of the Child, made some closing remarks. She emphasized that violence against children was an issue of human rights and human dignity, and stressed the Committee's clearly expressed view that corporal punishment should be considered unacceptable and that all forms of violence against children should be prohibited. The day of general discussion had highlighted the need for a positive strategic approach, constructive rather than punitive, to reflect the new vision of childhood enshrined in the Convention on the Rights of the Child. Empowerment of children, teachers, parents and communities through increased awareness, training, support and full participation would hopefully bring about change and lead to a less violent society, one where dialogue and mutual respect would prevail and children feel safe. Mr. Doek reminded all participants that the impact of violence on children could be dramatic and lead to the perpetration of future acts of violence by the victims. He concluded by expressing the thanks of the Committee to the two resource persons and invited guests, as well as for the support received from the Secretariat. He closed the session by reminding all participants that the Committee would review the proposals and adopt its recommendations at the end of the session.

700. On the basis of the recommendations of the two working groups, the following recommendations were adopted by the Committee.

Guiding principles

701. The Committee urges that references to "family" and "school" not be understood as narrowly defined. The references to "family" (or to "parents") must be understood within the local context and may mean not only the "nuclear" family, but also the extended family or even broader communal definitions including grandparents, siblings, other relatives, guardians or care providers, neighbours, etc. Similarly, all references to "school" (or to "teachers") should be understood to include schools, teaching institutions, and other formal and non-formal learning environments.

702. The Committee recommends that an alternative vision of the school and the family that respects the rights and dignity of all, including children, parents and teachers, should guide all actions on the issue of violence against children. The main strategy should be to galvanize actions around this vision rather than use punitive measures. In this vision relations between and among children and parents or teachers (as well as other family members or students) are mutually respectful and the safety and security of all is promoted.

703. The Committee considers that violence against children is unacceptable under any circumstances, in accordance with the provisions of the Convention on the Rights of the Child. However, the actions to stop violence against children need to take adequate account of different social and cultural contexts and should be devised by fully engaged local actors. National strategies should take fully into account the local context and actors.

704. In conceptualizing violence, the Committee recommends that the critical starting point and frame of reference be the experience of children themselves. Therefore, children and young people must be meaningfully involved in promoting and strategizing action on violence against children.

705. The Committee recommends that efforts be made to strengthen the link between communities and families and between communities and schools. Community members, including parents, children and teachers, need to be well informed about their rights and fully involved in the life of the school, including in school governance.

706. The Committee recognizes that different forms of violence against children (such as corporal punishment, bullying, sexual harassment and abuse, and verbal and emotional abuse) are interlinked, and that violence in the family and school reinforce one another. Action against violence therefore must take a holistic approach and emphasize non-tolerance of all forms of violence. Physical violence and other more severe forms of violence are more likely where everyday harassment is tolerated. Tolerance of violence in one sphere makes it difficult to resist it in another.

At the international level

707. In accordance with the provisions of article 45 (c) of the Convention on the Rights of the Child, the Committee recommends that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on violence against children. The study should be as thorough and influential as the report of the expert appointed by the Secretary General, Graça Machel, on the Impact of armed conflict on children (A/51/306 of 26 August 1996). Such a study should:

(a) Be guided by the Convention on the Rights of the Child and other relevant international standards and take full account of the recommendations adopted by the Committee at its days of general discussion in 2000 and 2001;

(b) Document the different types of violence of which children are victims, the prevalence of such violence and its impact on children, adults and societies. Areas of study should include violence within the family and the home, in schools and care or residential institutions, both State and private, in work situations and in the streets, in detention facilities and prisons, violence by police and the use of capital and physical punishment. Violence should include all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, including sexual abuse, bullying in schools and corporal punishment. Attention should be paid to the impact of discrimination (including discrimination based on gender, race, economic status, etc.) on the patterns of violence and vulnerability experienced by children;

(c) Seek to identify the causes of and factors contributing to violence against children, including factors such as the role of legislation, public education and training of professionals that contribute to or obstruct prevention, protection and recovery, and explore the links between various provisions of the Convention on the Rights of the Child and other international human rights treaties in relation to violence against children;

(d) Draw primarily on existing research and documentation, including reports to and of the Committee on the Rights of the Child, special rapporteurs and other United Nations and United Nations-related bodies, including UNESCO, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA and WHO, and studies conducted by academics, research institutions and non-governmental organizations. The study should collect information on various human rights mechanisms and United Nations bodies and agencies and the extent to which the problem of violence against children is addressed in their activities from a human rights perspective;

(e) Be conducted in collaboration with all United Nations agencies and bodies, particularly the Committee on the Rights of the Child, OHCHR and the United Nations human rights mechanisms, UNICEF, WHO and UNESCO, as well as with relevant non-governmental organizations, academic institutions and international professional organizations, and involve children themselves.

On this basis, and taking into account information on the effectiveness of existing approaches, the study should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level as well as by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration.

708. The Committee recommends that account be taken of its general comment No. 1 on the aims of education (article 29.1 of the Convention), which states that corporal punishment is not compatible with the provisions of the Convention and emphasizes the impact of violence in schools on the denial of the child's right to an education directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential; to the development of respect for human rights and the values enshrined in the Convention; and to preparation for a responsible life in a free society.

709. The Committee reaffirms its call upon all States, concerned United Nations agencies and bodies and non-governmental organizations to give priority attention to violence against children at the General Assembly special session on children, and to include in its resulting plan of action steps to reduce and eliminate such violence.

710. The Committee urges United Nations bodies and agencies to adopt a more integrated and multisectoral approach to the prevention of violence against children, including through public health and epidemiological approaches, and taking into consideration poverty and socio economic marginalization and the impact of multiple forms of discrimination.

711. The Committee recommends that efforts be made by United Nations human rights mechanisms with a mandate to consider individual complaints concerning violations of human rights to identify ways to respond more effectively to individual complaints concerning violence against children, including violence within the family and in schools. It encourages non governmental organizations to disseminate information about the existence and functioning of relevant mechanisms (including those under the Optional Protocol to the International Covenant

on Civil and Political Rights, under article 22 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and under the new Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women). Information should also be disseminated about other United Nations and regional human rights mechanisms, particularly the Committee on Economic, Social and Cultural Rights, the Special Rapporteurs on violence against women, on the sale of children, child prostitution and child pornography, on the right to education and on traditional practices affecting the health of women and girls. The Committee also encourages non-governmental organizations and others to consider the best ways in which they can provide legal and other assistance in bringing individual complaints related to violations of the right of children to be protected against torture and other forms of violence before the relevant United Nations and regional human rights mechanisms.

712. The Committee recommends that effective measures be sought to strengthen existing United Nations human rights mechanisms in order to ensure that all forms of violence against children, including within the family and in schools, is adequately addressed. The Committee encourages the Office of the High Commissioner for Human Rights to organize a workshop for all relevant treaty bodies and special procedures, involving United Nations bodies and agencies, regional human rights mechanisms and relevant non-governmental organizations, to examine:

- (a) Violence against children;
- (b) The effectiveness of existing United Nations mechanisms in addressing this phenomenon, and the need for other competent United Nations human rights bodies to include the matter of violence against children in their consideration of States parties' reports;
- (c) The need for and possible ways to improve such effectiveness, including consideration of the need to take into account more adequately the special characteristics of children;
- (d) The possible need for either an optional protocol to the Convention to establish a procedure for individual complaints, or the establishment of a new special procedure of the Commission on Human Rights; and
- (e) The consideration that could be given to providing, from within existing United Nations voluntary funds, assistance for the recovery of child victims of violence.

713. The Committee recognizes that grass-roots initiatives for child rights and the Global Movement for Children present an important opportunity to advance action on violence against children. The Committee appreciates the involvement of children and young people in such initiatives and urges their increased use as forums for their voices. In this context, the Committee encourages States parties, NGOs and others to share their experiences on effective means of preventing violence against children.

Review of domestic legislation

714. The Committee urges States parties to review all reservations to relevant articles of the Convention on the Rights of the Child, with a view to their withdrawal.

715. The Committee urges States parties, as a matter of urgency, to enact or repeal their legislation as necessary in order to prohibit all forms of violence, however slight, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention and in particular articles 19, 28 and 37 (a) and taking into account articles 2, 3, 6 and 12, as well as articles 4, 5, 9, 18, 24, 27, 29 and 39.

716. The Committee recommends that such legislation incorporate provisions for appropriate sanctions for violations and compensation for victims.

717. The Committee urges States parties to review all relevant child protection legislation to ensure that while effective protection is guaranteed, intervention is adequately tailored to individual contexts and circumstances, favours the least intrusive method, and adopts a positive approach that seeks to protect the child from additional harm. The Committee recommends that States parties review legislation dealing with children deprived of a family environment to ensure that all placement decisions are subject to periodic judicial review, including at the request of children themselves, and have family reunification as the preferred outcome, within the requirements of articles 3, 9, 19 and 39 of the Convention.

718. The Committee recommends careful monitoring of the effective implementation of such legislation, including through the provision of education, training and resources.

Prevention: awareness-raising, sensitization and training

719. The Committee recommends that States parties adopt clear national policy statements on violence against children within the family and in schools, to be used as an advocacy tool and disseminated throughout the country.

720. The Committee recommends that every State party undertake a comprehensive study on the extent, nature, causes and consequences of violence against children. This study should be widely disseminated and used to formulate policy and programmes.

721. The Committee encourages States parties, NGOs, United Nations human rights mechanisms, United Nations agencies and other bodies to give priority to promoting a more positive approach to acknowledging children as bearers of human rights and to raising awareness about and bringing about change in cultural attitudes towards protecting children from violence and the availability of more constructive and effective methods of discipline. Such an approach should include the following:

(a) Public information campaigns should be launched, involving religious, traditional and community leaders, to raise awareness and sensitize the public about the severity of human rights violations and the harm to children in this domain, and to address cultural acceptance of

violence against children, promoting instead the unacceptability of all forms of violence against children;

(b) Children and parents should be meaningfully involved in all aspects of the design and implementation of awareness-raising campaigns, including through peer education efforts;

(c) The media should be encouraged to play an active role in educating the public and raising awareness. Reporting should call attention to the violations and reflect children's views and experiences of violence, while avoiding sensationalism and ensuring respect for the right to privacy of child victims. The media and entertainment industry should also avoid disseminating positive images of any form of violence;

(d) States parties should translate appropriate information on protection of children from violence into its national and local languages and ensure that it is disseminated, through all appropriate channels and involving grass-roots groups, to all relevant professional and other reporting groups, children, parents, and the general public.

722. The Committee recommends that the professional status, rewards and career incentives for social workers, health professionals and individuals working with children should be such as to be able to request appropriate qualifications and screening for a background of violence. The Committee also recommends that minimum standards be set for the professional qualification and training of individuals working in the school system, and that teachers' unions be involved in the development of codes of conduct and good practices for discipline without violence. The professional status, rewards and career incentives for teachers should be such as to ensure that appropriate qualifications can be requested, and States parties should make every effort in recruiting staff to work as teachers and school administrators, to give due attention to ensuring that staff have the capacity to make effective use of non-violent methods of discipline.

723. The Committee recommends that States parties, in partnership with relevant NGOs and seeking international technical assistance where appropriate, ensure that all relevant professional groups, including, but not limited to, teachers and school administrators, social workers, health professionals, lawyers, the judiciary, members of police and other security forces, receive training in child rights. Such training should follow interdisciplinary methods promoting collaborative approaches, include relevant human rights standards and non-violent relationships and methods of discipline, and provide information on child development and on the background, rights and needs of specially vulnerable groups of children, including children with disabilities.

724. The Committee recommends that information about rights and protection from violence be available to children and included in school curricula and that children be meaningfully involved in the design of strategies and solutions to reduce and eliminate violence within the family and in the school setting, such as the adoption of anti-bullying and anti-violence policies in schools.

Other prevention and protection strategies

725. The Committee points out that in order to maximize protection against violence committed against children who are particularly vulnerable owing to disability, and in accordance with the provisions of article 23 of the Convention, special care for children with disabilities, as well as access to education, training, health-care and recovery services, preparation for employment and recreation opportunities should be provided in a manner “conducive to the child’s achieving the fullest possible social integration and individual development”.

726. The Committee recommends that particular attention be given to the different patterns of family abuse and vulnerability and to the effective measures that can be adopted for different age groups. Within the family, gender discrimination can produce different patterns of vulnerability. While both boys and girls are subject to physical and sexual violence, boys can be particularly exposed to physical violence and girls to sexual violence which must be taken into account in planning prevention and responses. The need to prevent racial and related forms of discrimination, as well as discrimination based on socio-economic marginalization, must also be taken into account in planning for and providing support to families, and in investigating or intervening in cases of violence or on the basis of an assessed risk of violence occurring.

727. The Committee recommends that appropriate attention also be given to issues of discrimination in preventing and responding to violence against children in schools. Gender discrimination can result in different patterns of risk and abuse suffered by boys and girls. Boys may be more often exposed to corporal punishment as a form of discipline and less effectively protected from violence and bullying by other students, as well as from involvement in violence. While both boys and girls are subject to sexual abuse, girls may be more often exposed to sexual violence by teachers and other students; this can also result in a denial of their right to education when fear of such risk leads to avoidance of schools. Racial discrimination and xenophobia, socio-economic factors, sexual orientation, and physical size or strength can be factors that expose children to a higher risk of victimization.

728. The Committee recommends that efforts be made to implement fully the provisions of articles 18.2, 19.2, 24 and 27 of the Convention by providing appropriate assistance to parents and legal guardians in their child-rearing responsibilities. This includes addressing all forms of family violence, as well as ensuring that everyone has access to quality pre-natal, perinatal and early childhood health services to improve early attachment. The Committee encourages the development and implementation of home visitation programmes, noting that they can be effective in reducing the need for intervention.

729. The Committee recommends that States parties consider introducing schemes designed to identify children at risk of family violence and provide appropriate services to reduce those risks, paying due attention to the provisions of articles 12 and 16 of the Convention.

730. The Committee recommends that particular attention be given to the recovery of child victims of violence, which is important in preventing the risk of renewed abuse.

731. The Committee recommends that due attention be given to the need to broaden involvement and participation in decision-making processes in schools. Involvement of parents and students in governing processes, for example through student councils and representative membership on school boards, including in drawing up the rules and monitoring of discipline, can contribute to the design of effective prevention strategies and to the creation of a positive climate in schools that discourages violence, both as a form of so-called discipline and among students.

732. Effective strategies to prevent violence in schools must also address the problems created by the availability or tolerance of weapons and of substance abuse in the school environment.

Monitoring and complaint mechanisms

733. The Committee recommends that urgent attention be given to establishing effective systems to monitor the treatment of children and to report and investigate cases of suspected ill treatment, including within the family and in schools. Such systems should:

- (a) Provide for appropriate training for professionals working with children - primarily teachers and health professionals - to increase their ability to detect symptoms and assess the possibility of ill-treatment;
- (b) Encourage schools and health services to detect and report evidence of violence against children, and to provide appropriate treatment for victims and perpetrators;
- (c) Ensure full access to facilities and records and inspection of all schools and other institutions, permit unannounced visits, and include the holding of private consultations with children and staff;
- (d) Monitor children's views and perceptions of their experience, rather than focus only on the material circumstances of families, or on the state of the facilities and the provision of services by institutions;
- (e) Ensure that complaints, under a mandatory reporting procedure or otherwise, of incidents of violence received from health and other professionals, teachers, schools, children themselves, their parents and legal guardians, and NGOs or other institutions of civil society, receive a coordinated and multidisciplinary response that may or may not involve law enforcement at an initial stage;
- (f) Be fully connected to a response system with the resources to provide support and assistance if necessary, rather than only intervention or punishment;
- (g) Protect reporting professionals, and all others reporting or initiating complaints, from reprisals or liability, including for cases of reasonable mistakes in the assessment of risk or abuse;

(h) Monitor the follow-up given to reports and provide sufficient resources to ensure that case loads and time lags are not excessive and that the investigation of reports of suspected cases of abuse is sufficient to enable the risks to be accurately assessed;

(i) Ensure that independent external complaints mechanisms and procedures to receive reports of violence against children are established and functioning and provide full guarantees of independent and thorough investigation of any child deaths as well as of any complaints, including judicial investigation for any cases of harm;

(j) Ensure that the perpetrators of violence are appropriately held accountable, including, when warranted, suspension or dismissal and the bringing of criminal charges, and that persons convicted of violent offences against children are prevented from working in institutions that serve children;

(k) Where perpetrators are children, ensure that procedures are in accordance with international standards of juvenile justice;

(l) Ensure that children receive legal advice and assistance and the wide dissemination of information about the rules and protection available so that children are aware of the existence and functioning of complaint mechanisms, including for child-initiated complaints;

(m) Ensure that children are involved in the design of appropriate child-sensitive mechanisms (covering also legal proceedings and court procedures) that take their special needs into account, for example by avoiding the need for students to repeat their statements unless absolutely necessary, or by taking into account the needs of children with disabilities, different linguistic abilities, etc;

(n) Ensure that reports of any investigations are made public (while maintaining the right of the child victims to privacy), and made known to relevant government officials and policy makers.

734. The Committee urges States parties to ensure the collection of accurate, up-to-date and disaggregated data on the incidence, severity and causes of violence within the family and in schools, including on children's views and experiences, as well as on the effectiveness of existing programmes and approaches.

735. The Committee urges States parties to ensure the inclusion of detailed information on violence against children within the family and in schools in their reports on the implementation of the Convention on the Rights of the Child, including on measures taken to reduce and eliminate violence within the family and in schools.

736. The Committee encourages the conduct of research aimed at revealing the hidden socio-economic costs of violence against children, for example the cost involved in providing psychiatric care for child victims in later life, as well as to better evaluate the effectiveness of existing prevention, protection and recovery programmes.

Coordination and resources

737. The Committee emphasizes the need for the preparation of integrated multisectoral strategies and plans of action at the international, regional, national and local levels, to ensure that efforts for the prevention of violence within the family and the care for child victims are fully coordinated and multidisciplinary, address the root causes of violence (including socio economic factors, discrimination and others), and involve children in the design of effective prevention and response strategies

738. The Committee emphasizes the need for the preparation of comprehensive strategies and plans of action at the national level, to ensure that efforts for the prevention of violence in schools are fully coordinated and multidisciplinary, address the root causes of violence (including discrimination), and involve children in the design of effective prevention and response strategies. The Committee recognizes that it is extremely difficult to manage schools without resorting to violent means of discipline where schools are overcrowded and lack basic materials, and where teachers are undermotivated and poorly compensated. The Committee strongly reaffirms the right of every child, in accordance with articles 28 and 29 of the Convention, to a quality education and reminds States parties and international development partners of their obligation to provide adequate resources to fulfil this right.

739. The Committee urges that attention be given to the need to ensure that adequate resources are allocated to the prevention and detection of violence within the family and in schools and to the protection and recovery of child victims. The Committee reminds State parties that under the provisions of article 4 of the Convention, only “economic, social and cultural rights” are subject to implementation to the “maximum extent of available resources” while States parties “shall undertake all appropriate legislative, administrative and other measures” for the implementation of all other rights, including the right of children to be protected from all forms of violence and abuse (art. 19).

740. The Committee encourages States parties, United Nations bodies and agencies, and donors of international technical assistance to allocate resources to programmes and measures designed to improve prevention of violence within the family and in schools, protection of children and other family members and recovery of victims, including by increasing the resources provided to families and education professionals. It urges States parties and others to ensure that available resources are used in the manner most conducive to protecting children from all sorts of violence and preventing it. The Committee calls attention to the need to consider the allocation of resources as part of the effort to review the relevant legislation.

Role of civil society

741. The Committee encourages non-governmental and other organizations of civil society to devote increased attention to the prevention of, and protection of children from, violence within the family and in schools. It urges NGOs to consider providing legal and other assistance to children and their advocates, monitoring implementation of legislation, and assisting governments to formulate appropriate and least-intrusive prevention, protection and recovery

measures, in addition to monitoring the situation of children in vulnerable circumstances. NGOs should seek to promote the care of children within their families as far as possible and favour prevention and early intervention.

742. The Committee encourages NGOs to support States parties and children in ensuring that children's views and experiences, as well as their proposals on preventing violence within the family and in schools, are heard and taken into account in public debate and policy, as well as in the formulation of their own programmes.

743. The Committee points out that the State, by delegating NGOs to provide services and care to children cannot avoid its own obligations both to provide the necessary resources and to exercise appropriate supervision.

744. In accordance with the provisions of article 45 (a) of the Convention, the Committee encourages NGOs to prepare and present to it within the reporting process information regarding all forms of violence against children within the family and in schools, including those considered culturally "acceptable", for example by developing and maintaining an easily accessible database summarizing each State party's commitment to and compliance with its violence-prevention human rights obligations.

745. The Committee encourages States parties and intergovernmental and non-governmental organizations to involve national human rights institutions, as well as professional groups and trade unions, in the design and implementation of strategies relating to the prevention of, and protection of children against, violence and the recovery of child victims of violence, and to keep those groups informed about all such strategies.