

**Working Group  
on the UN Convention on the Rights  
of the Child -- General Comment 13:  
Protecting Children from Violence  
and Maltreatment  
CRC Article 19 (Violence-related)**

Kimberly Svevo-Cianci, PhD  
May 2010 : Chicago, USA

Child Rights and Protection Consultancy-International (CRPCI)

# Overview

- Working Group: General Comment 13 (Article 19/Violence)
- Introduction to the CRC “Protection from Violence Focus”
- UN Committee on the Rights of the Child-Related Concluding Observations
- Guidelines for Reporting -State Report, also referencing Alternative or Technical Reports
- Monitoring, Evaluation, Reporting to Support CRC Implementation (MERSCI)

# Technical, Intersectoral, Interdisciplinary Cooperation

The UN Convention on the Rights of the Child, adopted and put into force in 1989/1990, is strengthening the rights and protection of children globally. Yet there are challenges to nations/governments who are not only morally obligated to protect children from violence and maltreatment, but are legally obligated through their ratification of the CRC.

# Technical, Intersectoral, Interdisciplinary Cooperation

(Continued)

Many of the challenges they face are technical. However, this complex issue requires an integrated and systemic approach which is both multidisciplinary and inter-sectoral.

It requires the coordinated cooperation of government officials working with child protection (CP) professionals and broader civil society, including NGOs and informed parents/families. Government leaders are needed as champions supporting policy, structures and human/financial resources.

# Technical, Intersectoral, Interdisciplinary Cooperation

(Continued)

Key professionals who should participate include professionals from medical, mental and public health fields, from social welfare, from judicial, legal/law enforcement fields, and from education and research/academia; as well as child advocates -- with the government's support to achieve maximum outcomes for children.

# UN Convention on the Rights of the Child

- 1) Definition of the child;
- 2) Non-discrimination;
- 3) Best interests of the child;
- 4) Implementation of the rights in the CRC;
- 5) Parental guidance and the child's evolving capacities;
- 6) Child's right to life and maximum survival and development;
- 7) Birth registration, name, nationality and right to know and be cared for by parents;

# UN Convention on the Rights of the Child

(Continued)

- 8) Preservation of identity;
- 9) Separation from parents;
- 10) Entering or leaving States for family reunification;
- 11) Illicit transfer and non-return of children abroad;
- 12) Respect for the views of the child;
- 13) Child's right to freedom of expression
- 14) Child's right to freedom of thought, conscience and religion;
- 15) Child's right to freedom of association and peaceful assembly;

# UN Convention on the Rights of the Child

(Continued)

16) Child's right to privacy;

17) Child's access to appropriate information;

18) Parents' joint responsibilities assisted by the State;

19) Child's right to protection from all forms of violence;

20) Children deprived of their family environment;

21) Adoption;

22) Refugee children;

23) Rights of disabled children;

# UN Convention on the Rights of the Child

(Continued)

- 24) Child's right to health and health services (protection from traditional practices);
- 25) Child's right to periodic review of treatment;
- 26) Child's right to benefit from social security;
- 27) Child's right to adequate standard of living;
- 28) Child's right to education (#2 school discipline without violence);
- 29) The aims of education;

# UN Convention on the Rights of the Child

(Continued)

- 30) Children of minorities/ indigenous people;
- 31) Child's right to leisure, play and culture;
- 32) Child labor;
- 33) Children and drug abuse;
- 34) Sexual exploitation of children;
- 35) Prevention of abduction, sale/ trafficking;
- 36) Protection from other forms of exploitation;
- 37) Torture, degrading treatment and deprivation of liberty;

# UN Convention on the Rights of the Child

(Continued)

- 38) Protection of children affected by armed conflict;
- 39) Rehabilitation of child victims;
- 40) Administration of juvenile justice;
- 41) Respect for existing human rights

# General Comments Overview

- 13) The right to protection from violence (2010 draft)
- 12) The right of the child to be heard (2009)
- 11) Indigenous children and their rights under the Convention (2009)
- 10) Children's rights in Juvenile Justice (2007)
- 9) The rights of children with disabilities (2006)
- 8) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006)
- 7) Rev.1 Implementing child rights in early childhood (2005)

# General Comments Overview

(Continued)

- 6) Treatment of unaccompanied and separated children outside their country of origin (2005)
- 5) General measures of implementation for the Convention on the Rights of the Child (2003)
- 4) Adolescent Health (2003)
- 3) HIV/AIDS and the rights of the child (2003)
- 2) The role of independent human rights institutions (2002)
- 1) The aims of education (2001)

# General Comment 13 (GC13): Article 19/Violence Objectives

- 1) To provide guidance on addressing violence against children and child maltreatment:

The Committee aims to guide States Parties, professionals and volunteers working with and/or for children, civil society (including NGOs) and UN entities in understanding and implementing the provisions of the Convention concerning the protection of children against all forms of violence.

# General Comment 13 (GC13): Article 19/Violence Objectives

(Continued)

While General Comment No. 8 focuses on corporal punishment and other cruel or degrading forms of punishment, the present general comment focuses on Article 19 more broadly. Future general comments may deal with specific aspects of violence against children as highlighted in other articles of the Convention.

The present general comment clarifies the Committee's interpretation of Article 19 and outlines the legislative, administrative, social and educational measures that States Parties must take.

# General Comment 13 (GC13): Article 19/Violence Objectives

(Continued)

2) To promote a holistic approach to implementing Article 19: For States Parties to successfully implement the spirit and standards of Article 19 & related articles ([3], [18], 24, 25, 39), it must be understood within the fuller context of the Convention's overall perspective on securing children's rights to survival, dignity, well-being, health and development – all of which are ultimately threatened, degraded or distorted by violence and maltreatment.

# General Comment 13 (GC13): Article 19/Violence Objectives

(Continued)

Experience has shown that isolated, fragmented and reactionary welfare-oriented initiatives to address child protection have had a limited impact on the prevalence and incidence of violence against children in caregiving settings. “Business as usual will not suffice.”

The present general comment provides States Parties and other stakeholders with a suggested framework on which to develop a holistic national plan of action which is both comprehensive and child rights-based and which draws on extensive experience and lessons learned in the field of child protection.

# General Comment 13 (GC13): Article 19/Violence Objectives

(Continued)

3) To highlight the urgency: The Committee is issuing this general comment to highlight the need for all States Parties to move quickly to fulfill their obligations to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury, abuse, neglect, 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.

# General Comment 13 (GC13): Article 19/Violence Objectives

(Continued)

4) To provide guidance for those duty-bearers for children in every country to improve current approaches to CRC Articles 19: Protecting Children from all forms of Violence (plus Articles 3, 18, 24, 25, 39) - on Implementation as well as on establishing effective Monitoring, Evaluation and Reporting to the CRC Committee, to ultimately Support CRC Implementation (MERSCI) local and national improvements in child protection by increasing capacity in these areas.

# CRC-Rights/Protection: Monitoring, Evaluation, Reporting to Support CRC Implementation (Mapping & Indicator Development)

- CRC Article 19 (&Related Checklist) + Concluding Observations & Related Documentation
- POLICY MAPPING (Mandate/Structure & Mechanisms/Practice) : International, National, Departmental/Municipal, Institutional
- **OUTCOMES-Accountability to Children:** INDICATOR Universal Development/Measurement for Monitoring & Evaluation within Communities, all levels

# Concluding Observations Organization

A. Introduction

B. SP Follow-up measures undertaken/progress achieved

C. Factors/difficulties impeding CRC implementation

D. Main subjects of concern/recommendation:

D.1. General Measures of Implementation (Reporting Data);

D.2. Definition of Child;

D.3. General Principles (non-discrimination/best interests/right to life/respect for child's views);

# Concluding Observations Organization

(Continued)

D.4.Civil rights&freedom (against corporal punishment);

**D.5.Family Environment&Alternative Care;**

D.6.Basic Health&Welfare (services for children);

D.7.Education, leisure & cultural activities;

**D.8.Special Protection Measures.**

D.9.Optional Protocols: OPSC / OPAC;

D.10.Follow-up&Dissemination of Information;

D.11.Next Report

# Article 19

## **Child's Right To Protection From All Forms Of Violence.**

1) States Parties shall 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.

# Article 19

(Continued)

2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for the identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

# Article 19 - Organizational Outline

- Legislation;
- Administrative (Government Institutions, Independent Human Rights Bodies) + Data Collection/Research & Disaggregated Analysis;
- Social Welfare Support Services (Prevention);
- Educational Measures for Professionals;
- Prevention-Public Awareness Campaigns;

# Article 19 - Organizational Outline

(Continued)

- Interventions: Identification of Violence-Reporting -- Inter-sectoral Referral -- Law Enforcement-Investigation;
- Treatment Services (Medical, Mental Health, Legal);
- Judicial -- Safeguarding Child + Prosecution of Perpetrator
- Recovery, Rehabilitation and Reintegration

# Article 3

## **Best Interest of the Child:**

1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her,

# Article 3

(Continued)

and, to this end, shall take all appropriate legislative and administrative measures.

3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

# Article 18

## **Parents' joint responsibilities assisted by the State.**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

# Article 18

(Continued)

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

# Article 24

**Child's right to health and health services (protection from traditional practices).**

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

# Article 25

## **Child's Right to Periodic Review of Treatment.**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

# Article 39

## **Rehabilitation of Child Victims.**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

# CRC Committee CO

## **Independent Monitoring.**

The Committee encourages the States party to establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), either as a part of a national institution on human rights or as a separate body, such as a children's ombudsman, which should be provided with adequate human and financial resources and easily accessible to children, that:

# CRC Committee CO

(Continued)

- (a) Monitors the implementation of the Convention;
- (b) Deals with complaints from children in a child-sensitive and expeditious manner; and
- (c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

# CRC Committee CO

(Continued)

States Parties are required to allocate maximum available resources (financial and human) to children's rights and protection.

- (a) Prevention, including through a comprehensive poverty reduction strategy, the decline in living standards of families, in particular those with many children, those living in rural areas and single parent families;
- (b) Identification of priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources, in particular for children belonging to the most vulnerable groups in society; and
- (c) Identification of the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

# CRC Committee on General Principles

State party needs to fully reflect General Principles in legislation, political, judiciary and administrative decisions; programs, products & services for children -- at every level of planning & policy-making:

- Best interest of the child (art.3)
- Non-discrimination
- Right to life, survival and development (art.6)
- Respect for the views of the child (art.12)

# CRC Committee:

## 4. Family environment and alternative care

**Parental Responsibilities:** In light of article 18 of the Convention, the Committee recommends that the State party:

- (a) Continue to develop measures for the prevention of family disintegration and the strengthening of family development;
- (b) Improve social assistance and support to families to help them with their child-rearing responsibilities, including through parental education, counselling and community-based programmes;
- (c) Provide adequate training to social workers;
- (d) Seek international assistance from, among others, UNICEF.

# CRC Committee

## **Abuse and neglect.**

In light of article 19 of the Convention and in line with its previous recommendation (ibid), the Committee recommends that the State party:

(a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and implement the statistical system created to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;

# CRC Committee

(Continued)

(b) Adopt and implement effectively adequate measures and policies to prevent and combat ill-treatment and abuse of children, including public campaigns, and to contribute to changing attitudes;

(c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(d) Prohibit all forms of corporal punishment at home, in schools and other institutions and develop measures to

# CRC Committee

(Continued)

raise awareness on the harmful effects of corporal punishment, and promote alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention;

(e) Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;

# CRC Committee

(Continued)

- (f) Take into account the Committee's recommendations, adopted at its days of general discussion on "Violence against children within the family and in schools" (see CRC/C/111) and on "State violence against children" (see CRC/C/100); and
- (g) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

CRC General Guidelines  
Regarding the Form and  
Content of Periodic Reports to  
be Submitted by States Parties  
Under CRC Article 44,  
Paragraph 1(b)

- (a) Parental guidance (art.5)
- (b) Parental responsibilities (art.18, paras. 1 and 2)
- (c) Separation from parents (art.10)
- (d) Family reunification (art.10)
- (e) Recovery of maintenance for the child (art.27, para. 4)
- (f) Children deprived of a family environment
- (g) Adoption (art.21)
- (h) Illicit transfer and non-return (art.11)
- (i) Abuse and neglect (art.19), including physical and psychological recovery and social reintegration (art.39)
- (j) Periodic review of placement (art.25)

ANNEX TO THE GENERAL  
GUIDELINES REGARDING THE  
FORM AND CONTENTS OF  
PERIODIC REPORTS TO BE  
SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44, PARAGRAPH 1  
(B), OF THE CONVENTION

V. Family environment and alternative care. Family support (arts. 5 and 18, paras. 1 and 2) 11. States parties should provide data disaggregated as described in paragraph 1, above, on the:

# A Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child Geneva 2006 (3rd ed)

[www.crin.org/docs/Reporting\\_Guide\\_2006\\_English.pdf](http://www.crin.org/docs/Reporting_Guide_2006_English.pdf)

NGO GROUP FOR THE CONVENTION ON THE RIGHTS OF  
THE CHILD

# “REPORTING ON VIOLENCE AGAINST CHILDREN

A thematic guide for non-governmental organizations reporting to the UN Committee on the Rights of the Child”

NGO Group for the Convention on the Rights of the Child:

[http://www.crin.org/docs/NGO\\_Guidelines\\_reporting\\_VAC\\_to\\_CRC\\_2008.pdf](http://www.crin.org/docs/NGO_Guidelines_reporting_VAC_to_CRC_2008.pdf)