

VIOLENCE AGAINST CHILDREN

 East Asia and Pacific Launch of the UN Secretary-General's Study on Violence Against Children

Violence against Children in East Asia and Pacific Region

Legal Framework Protecting Children against Violence

Article 19 of the Convention on the Rights of the Child contains general provisions against violence/abuse of children: *“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and 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”.*

While the general framework for the protection of children against all forms of violence is contained in Article 19, there are provisions in the CRC that deal with specific aspects of violence, abuse and exploitation. These include:

- Separation from parents following abuse and neglect (Art. 9)
- Alternative forms of care (Art. 20)
- Protection of children from traditional practices (Art. 24(3))
- Periodic review of their placement or treatment (Art. 25)
- School discipline without violence (Art. 28(2))
- Protection from sexual exploitation (Art. 34)
- Protection from torture and inhuman or degrading treatment or punishment (Art. 37)
- Rehabilitative care for victims of violence (Art. 39)

CHALLENGES TO STOPPING VIOLENCE AGAINST CHILDREN

- All countries in the region have some legislative mechanisms in place for the protection of children against violence and abuse, and to varying degrees existing norms are compatible with international child rights standards. But often enforcement of child protection legislation tends to be hampered by a combination of factors including a lack of clear definitions pertaining to the types of violence and maltreatment specified in the relevant laws, lack of implementation guidelines and resources for enforcement.
- Legal action in cases of violence and abuse tend to fall within a narrow range of situation and often are limited to more extreme form of violence including rape. As reported from Viet Nam charges of sexual assault or abuse that fall short of being categorized as rape rarely results in legal action.
- There is a lack of comprehensive and systematic data collection, reporting and monitoring system. Given the sensitive around issues of violence against children at the individual, family, community and state level, there is limited information and quantitative data. While studies and research have been undertaken to address many aspects, many are limited in scope, either by geographical or population coverage.
- Data on child abuse, exploitation and maltreatment is – when collected and recorded at all – scattered among various government departments and agencies, local welfare authorities, hospitals, police offices and voluntary organizations. Methods for the recording of data on children tend to also vary between these institutions, making comparisons and analysis even more difficult. Hopefully, the United Nations Study on Violence against Children will bring some clarity to concepts relating to violence and child abuse which will benefit the design of more standardized data collection and monitoring systems.