



# International Framework For The Protection Of Child Abuse: An Analysis

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## Abstract

Child abuse is a complex international problem. Child abuse may include any act or failure to act by a parent or caregiver . It may be physical , sexual , emotional and neglect. It is a threat to the health, life and welfare of children. Children are entitled to the same human rights and fundamental freedoms as all persons have. Children are given special position and protection within the framework of the United Nation and in regional human rights treaties. These treaties create affirmative obligations of states to ensure the protection of children. . Through this paper ,various convention, treaties, protocols are highlighted which help to protect child rights and prevent children from all forms of abuse .

**Keyword : Child Abuse, International Law, Child Right**

*“Children are not mini-human beings with mini-human rights. But as long as adults continue to regard them as such, violence against children will persist.”*

..... Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe<sup>i</sup>

## Introduction

Child abuse takes many forms. It may be emotional , physical, neglect and sexual. Child abuse happens in all countries. It may be sitting in a community, school , online and children' s home. Many boys and girls are generally suffering from evil of abuse by trust person. In several parts of the world, violent discipline is socially accepted and common<sup>ii</sup>. Violent discipline increase the incidents of child abuse. Such abuse not only causes harm, pain and humiliation to children, but it can also lead to kill. All forms of abuse can harm children, reduce their sense of self-worth, impair their dignity and hinder their growth. Therefore, child abuse is a problem threatening the health and welfare of children internationally. All human beings have some intrinsic rights just by virtue of being human. All human rights need to be protected and respected by all as they allow one to develop fully and without them one cannot live as a human being. Thus human rights are for all and everyone needs to respect it. However, there are certain groups that require special protection. Children constitute one such group because they are extremely vulnerable to exploitation and abuse<sup>iii</sup>.

## Extent of Child Abuse at Global Level

Country or Community is not unaffected by violence. Violence is a worldwide scourge that tears at the fabric of communities and threaten the life, health and pleasure of us all. According to WHO 2006, 20% of women and 8% of men in 39 countries around the world were reported to have been sexually abused as children<sup>iv</sup>.

**According to Union Children's Fund** , In 2014, globally, at least 120 million girls under the age of 20—nearly one in 10—were forced to have sex or perform other sexual acts. Million of boys never tell anyone about the abuse for fear of stigma or retaliation<sup>v</sup>. **Amina J. Mohammed** , the UN Deputy Secretary - General in her opening remarks that " Every day, across all countries and levels of society , millions of girls and boys face the alarmingly common child hood experience of sexual abuse and exploitation<sup>vi</sup>. An analysis of nationally representative survey data on the occurrence of violence against children in 96 countries approximate that globally 1 billion children , more than half of all children aged 2-17 years , have experienced emotional, physical or sexual violence in the past year<sup>vii</sup>.

The Global report also estimates that in 2015, children in the world had experienced inter- personal violence. According to report, 1.3 billion boys and girls experienced corporal punishment at home. The report also provide that 261 million school children who experienced peer violence and 100, 000 children who were victims of homicide . It also includes 18 million adolescent girls aged 15 to 19 who had experienced sexual abuse and 55 million adolescent girls in the same age group who had experienced physical abuse since age 15<sup>viii</sup>.

## International Instruments to protect children from child abuse

Rights of children has been recognized in International law in 1924 when the first International Declaration on the rights of child was adopted by League of Nations. Universal Declaration of Human Rights 1948 and regional instruments recognized more generally the human right to be free from violence, abuse and exploitation. These rights applied to everyone including children<sup>ix</sup>.

These are following International Instruments to curb child abuse :

### **1. *Convention on Economic, Social and Cultural Rights, 1966***

The Convention was adopted by the United Nation General Assembly on December 16, 1966. The state parties of the convention lay down that special measures of protection and assistance should be taken on behalf of all children without any discrimination for reasons of parentage or other condition. Children and Young person's should be protected from economic and social exploitation. Their employment in work is not only injurious to their morals or health but also dangerous to life or hinders their normal development. It should be punished by law. States should also set an age limit below which paid employment of child labor should be prohibited and punishable by law<sup>x</sup>.

### **2. *Convention on Civil and Political Rights 1966***

This Convention was adopted by the United Nations General Assembly on December 16, 1966. The convention was to take effect ten years later in all countries that became state parties<sup>xi</sup>. The Convention introduces that every child shall have the right to adopt such measures of protection which are necessary for his status as a minor on the part of his family, society and state, without any discrimination of race, colour, sex, language, religion, national or social origin, property or birth<sup>xii</sup>. It means all children should be protected without discrimination.

### **3. *Declaration of The Rights of the Child 1959***

The U.N. General assembly adopted this declaration unanimously on November 20 , 1959. The Declaration introduced Special protection of children. Children are entitled for reasonable facilities for the all over development<sup>xiii</sup>. The child must be protected from all forms of neglect, cruelty , exploitation. Child should not be the subject of traffic in any form. The Child should be protected from child labour<sup>xiv</sup>.

### **4. *Convention on the Rights of the Child 1989***

The U N General Assembly has take up the Convention on the Rights of Child in December 1989. It came into force on 2 September 1990. The main objective of the convention is political and humanitarian obligation of nations towards their children. It is a comprehensive treaty on children's rights between the party state. State parties should take reasonable measure to protect the children from all forms of abuse and exploitation.

Children should be protected from sexual abuse. Children are sexually abuse by legal guardian, their parent and other person who has the care of child. Judicial involvement should be necessary to protect children from abuse<sup>xv</sup>. The convention assign duty to government to provide protection and assistance to children who deprived of a family<sup>xvi</sup>.

The Convention include provision abolishing traditional practices prejudicial to the health of children<sup>xvii</sup>. State Parties of convention have duty to protect children who work in hazardous place. Children should be protected from economic exploitation. This exploitation interfere in the education of children and very harmful to the health, physical, moral, mental and social development of children<sup>xviii</sup>. State parties use reasonable measures to protect children from abduction, sale and traffic for any purpose<sup>xix</sup>. The Convention provides that state parties must take reasonable measure to protect children from child pornography, child prostitution. It means state parties should protect children from all forms of sexual exploitation<sup>xx</sup>. The Convention contain provisions regarding the protection of children from torture, inhuman or degrading treatment or punishment. Children should be protected from unlawfully arrest. Thus, children are protected from torture and deprivation of liberty<sup>xxi</sup>. Any child suffer from injury from any types of exploitation or abuse, torture, any type of cruel, inhuman treatment and punishment, shall be protected by state parties of convention<sup>xxii</sup>.

### ***5. The UN Convention on Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children***

This convention is also known as trafficking protocol. This convention is first international instrument to define trafficking in person. The main aim of the Protocol to prohibit and oppose trafficking in persons particularly women and children. The protocol includes a series of general protection and support measures for victims. These include a list of social support benefits such as counseling, housing, education, medical and psychological support, and the opportunity for victims to obtain legal status, allowing them to live in receiving country, either temporary or permanent. State parties of the protocol should adopt reasonable measures to protect women and children from re victimization of trafficking. Victim of trafficking may be men, women and children<sup>xxiii</sup>.

### ***6. The Optional Protocol on the Sale of Children, Child prostitution and Child Pornography***

It was ratified by the United Nations General Assembly on 25 May 2000. It came into force on 18 January 2002. As of October 2008, it has been ratified by 129 states. The main objective of the convention to prohibit child pornography and child prostitution. It is also prohibit trafficking of children. State Parties of the convention must prohibit supplement acts which may help in the trafficking of children, child prostitution and child pornography<sup>xxiv</sup>. This Protocol obliges states parties to grant certain rights and protections to children involved in the prosecution of offences under the Optional Protocol. Among other provisions, it include recognizing the vulnerability of the victim child, adopting procedures to recognize their special needs, and providing them protection from threats and retaliation<sup>xxv</sup>.

## **7. Optional Protocol on Children in Armed Conflict**

According to the convention, States parties to ensure that a person who has not completed the age of 18 years is compulsorily recruited into its Armed Forces. It also take every possible measures to ensure that a person who has not completed 18 years of age, should not directly participate in hostilities in the Armed Forces<sup>xxvi</sup>.

## **8. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

This convention is also known as "the Lanzarote Convention". It came into force in 2010. The Convention aims to prevent and combat the sexual abuse and sexual exploitation of children<sup>xxvii</sup>. It also protect the rights of children who are victims of sexual abuse and sexual exploitation. It promote national and international cooperation against sexual abuse and sexual exploitation of children<sup>xxviii</sup>. The Convention include preventive measures and provide training, recruit, raising awareness in person working in contact with children ( Article 5). The Convention provides that the states party should encourage the media to provide appropriate information relating to the sexual abuse of children and all aspects of sexual abuse. The private sector and civil society should be encourage to prevent sexual exploitation and sexual abuse of children. ( Article 9). It also include protective measures and provide assistance to victims. The convention obliges state parties to set up information services as telephone or internet help lines. It also include provision regarding the reporting suspicion of sexual exploitation or sexual abuse ( Article 12, 13).

## **9. SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution**

The aim of the convention is to support cooperation among member states to effectively deal with various aspects of the prevention, prohibition and repression of trafficking in women and children. It also support the repatriation and rehabilitation of victims of trafficking<sup>xxix</sup>. The convention include the provision regarding the state parties shall make such offence punishable by reasonable punishment. Punishment must be provided to person who keeps, maintain or manages or finance place for trafficking ( Article 3). The Parties to the Convention shall provide each other with comprehensive measures of mutual legal assistance in connection with the investigation, inquiry, trial or other proceeding in the requesting State in respect of offences under this Convention<sup>xxx</sup>. Party to the Convention must establish protective homes or shelters for the rehabilitation / treatment of victims of trafficking. Appropriate provisions will also be made for providing legal advice, counseling, job training and health care facilities to the victims<sup>xxxi</sup>.

## **10. The Worst Forms of Child Labour Convention (ILO Convention no. 182)**

This is the first historical one. The convention provide that the worst forms of child labour, slavery, sexual exploitation, the use of children in armed conflict or other illegal or dangerous work must be eliminate. Health, moral and psychology of children are affected by the worst forms of child labour. All worst forms should have no place in society<sup>xxxii</sup>.

## 11. *The Council of Europe Convention on Cybercrime*

This convention was opened for signature on 23 November, 2001. This convention is known as the Budapest Convention. This is the first international agreement to reduce computer - related crime. The convention seeks to strengthen protective measures for children against sexual exploitation by criminalizing various aspects of electronic production, possession and distribution of child pornography<sup>xxxiii</sup>. In addition, the Convention introduces procedural law measures . It also establishes a rapid and effective regime of international cooperation to enable Criminal justice authorities to effectively investigate cybercrime, including crimes related to sexual abuse and abuse against children.

## International Programs to curb Child Abuse

### 1. *Stop Child Abuse and Neglect*

It is a school based programs. The essential objective of programs is to provide information on prevention from child abuse and safety to school children. Staff members and trained volunteers must educate youth about personal safety including improper touching, internet safety and bullying. The program is free to area school available in the Madison<sup>xxxiv</sup>.

### 2. *World Day For the Prevention of Child Abuse*

In 2000, a non - government organization , Women's World Summit Foundation launched the World Day for the Prevention of Child Abuse on November 19. It prompted the government and society to take action and end child abuse. It also includes tips for identifying and preventing child abuse, along with an outline of the association's contribution for the prevention of child abuse.<sup>xxxv</sup>

**3. *Global Status Report on Preventing Violence against Children 2020*** provide target of the 2030 Agenda for sustainable development include to " end abuse, exploitation, trafficking and all forms of violence and torture of children"<sup>xxxvi</sup>.

## Conclusion

Child protection and safety of vulnerable children from harm is a critical issue around the world. In every country, every cultural, at every social and economic level, children are at risk of abuse including emotional abuse, physical abuse, child sexual abuse and neglect. There are various treat, convention and protocol introduce provision for protection of children from sexual abuse, economic exploitation and neglect. The convention also obliges state parties to take reasonable measures to protect children from child prostitution , pornography. Protocol, Treaties,

Convention is not enough to protect children from child abuse, mutual effort of people is required.



## Suggestion

- Such appropriate protective measures should involve effective procedure for the establishment of social programs which provide the necessary support for the child and for those who are caring for the child.
- Root cause of abuse should become a major priority for governments, security systems at the national level and the international community.
- Effective local grievance mechanisms should be set up in the country to enable people to report abuses against them.
- A fresh global watchdog should be recognized to examine and evaluate the efforts of international agencies to curb child abuse.
- Digital Training programs should be establish for parents and caregivers. They can acquire knowledge and skills to learn about the environment which is the one in which children spend the most hours in homes.

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