

**European Network of Ombudspersons for Children (ENOC)****Position Statement on 'Violence against Children'**

Adopted at the 19<sup>th</sup> ENOC General Assembly, 24 September 2015, The Hague

"No violence against children is justifiable;  
all violence against children is preventable"<sup>1</sup>

We, members of the European Network of Ombudspersons for Children (ENOC), call upon our governments, the European Commission and the Council of Europe to take a stand against violence towards children and to undertake all appropriate action.

ENOC adopts the following definition of violence: "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."<sup>2</sup>

Having considered the international binding and non-binding legal instruments, and in particular:

- The UN Convention on the Rights of the Child (1989)
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002)
- General Comment no. 8 of the UN Committee on the Rights of the Child (2006)
- The UN Study on Violence against Children (2006)
- The Council of Europe Guidelines on integrated national strategies for the protection of children from violence (2009)
- The Lanzarote Convention (2010)
- The Council of Europe Guidelines on Child-friendly Justice (2010)
- General Comment no. 13 of the UN Committee on the Rights of the Child (2011)
- The European Union Agenda on the Rights of the Child (2011)

Following and in line with ENOC Statements titled "Violence in a children's rights context" (2005) and "Implementation of the UN Study on Violence against Children recommendations" (2007),

Recognizing the important international momentum around tackling violence against children, especially the imminent adoption by the UN General Assembly of the Sustainable Development Goals and the forthcoming 10th anniversary of the Secretary-General's Study on Violence against Children,

Having consulted with the children and young persons who participated in activities of the European Network of Young Advisors (ENYA) run by ENOC, who expressed the following views:

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1. Pinheiro, Paulo Sergio. Rights of the child. Report of the independent expert for the United Nations study on violence against children. 2006.

2. World Health Organization. Child maltreatment ("child abuse"). 2014. Retrieved 18 August 2015 from [http://www.who.int/violence\\_injury\\_prevention/violence/child/en/](http://www.who.int/violence_injury_prevention/violence/child/en/)

Actions to tackle violence against children should consider the hazards of child poverty often generated by our consumer-based economy. Violence is also produced by state policies or institutions and the result of so-called differences between people: race, religion, disability or gender that they seem to believe our governments fail to address properly. Mass media operate and often contribute to the acceptance and reinforcement of violence against children, by presenting children too often as a threat for our society. Parents and all professionals working with children should be trained how to listen to children, to understand them and take action in order to protect them and avoid further violations of their rights.

ENOC expresses the opinion that, despite all relevant measures adopted by European institutions and states during recent years, violence against children remains one of the greatest direct violation of children's rights in Europe, with an enormous scope and far reaching consequences for its victims. The UN Convention on the Rights of the Child (CRC) states very clearly that every child has the right to grow up without violence and to be protected from it (article 19). Yet a childhood without violence is not the reality for millions of children in Europe<sup>3</sup>.

Violence against children can be identified in many aspects of social life. In high income countries, up to 80% of violence against children takes place at home, perpetrated by caregivers<sup>4</sup>. It also may take place in schools, in institutions, in the streets and in the (social) media. Violence is perpetuated both by adults and by peers. Extreme poverty, poor living conditions, social exclusion and racism have been shown to contribute to violence in the home, if families are not properly supported.

ENOC believes all violence against children should be eliminated. No degree of violence against children can be excused; child maltreatment is utterly unacceptable. All our governments have ratified the Convention on the Rights of the Child, and together with all the other binding and non-binding international documents, there is sufficient legal basis for all European countries to take measures to tackle all violence against children. The problem lies in the implementation of the measures we have already agreed upon.

ENOC greatly respects the endeavours of the Council of Europe, United Nations, European Parliament and European Commission. Their efforts have resulted in increased awareness of the issue of violence against children. We are also thankful for all measures introduced by the European Commission to tackle public health issues in a number of policy areas. We are impressed by the results of stringent measures that various European governments have taken to reduce child maltreatment in their countries. Now it is time to ensure that measures that are known to tackle violence against children are rigorously implemented, all over Europe.

#### Major issues and recommendations

Research has demonstrated that thorough implementation of the following recommended measures to combat five major issues will likely result in a decrease of the number of child victims of no less than 25% within a period of ten years<sup>5</sup>. This is an important milestone on the road towards

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<sup>3</sup>. Sethi, D. et al. (Eds.). European report on preventing child maltreatment. Copenhagen, WHO Regional Office for Europe, 2013.

<sup>4</sup>. Gilbert, R. et al. Burden and consequences of child maltreatment in high income countries. 2009. Lancet, 373.

<sup>5</sup>. De Kinderombudsman & Augeo Foundation. Report on violence against children in Europe. The Hague, 2015.

absolute eradication. We therefore strongly urge all governments from European countries, as well as the European Commission and European Parliament, to readily implement these measures.

#### 1. Full ban on corporal punishment

The UN Committee on the Rights of the Child stressed in General Comment no. 8 that no form of corporal punishment can be anything other than degrading. However, in Europe many children still grow up in settings where violent upbringing is the norm and where violence is an accepted way of disciplining of and communicating with children. Almost one third of all EU countries do not have a full ban on corporal punishment. A further third of the countries have a ban, but it is not fully implemented, rendering it ineffective. Research evidence demonstrates that it is possible to reduce the share of parents using corporal punishment to less than 5% within a decade when a full ban is implemented and accompanied by thorough public campaigns.

#### Recommendation No. 1

Implement a full ban on corporal punishment without delay. The ban needs to cover all types of violent punishment, not only at home, but also in other settings, such as day care centres, schools, sports clubs, support services and institutions.

#### 2. Identification and reporting

All states are (already) obliged to take measures to protect children from violence (article 19 CRC). According to the Committee, these measures should include an identification and reporting mechanism (General Comment no. 8). Nonetheless, most child maltreatment still goes undetected and unreported by professionals that are in contact with children or their parents. In many European countries, reliable data on the extent of violence against children is lacking. Furthermore, many countries lack child-friendly procedures and special places for children to disclose violence. Upon disclosing their experiences, children are often not believed. Children with disabilities, those belonging to minority groups and children on the move are often faced with additional obstacles to report their maltreatment. This is a violation of children's right to be heard that often leads to their re-victimization. Data shows that the introduction of high quality identification and reporting procedures can lead to a threefold increase of the screening and reporting rates by education and medical professionals within five years<sup>6</sup>.

#### Recommendation No. 2

Regularly conduct research and collect data on the occurrence of all forms of violence against children, including corporal punishment, in all European countries.

#### Recommendation No. 3

Provide all professionals whom children and their caregivers regularly come into contact with, such as their teachers and medical professionals, with high quality identification and reporting procedures.

#### 3. Mandatory training and education

Training professionals in the identification and reporting of child maltreatment is crucial to both increasing screening and reporting rates and to enable them to communicate with victims in a trauma sensitive approach. Most of the literature on child maltreatment refers to the need for better training of professionals. Educating children about violence, promoting the principle of equality and encouraging children to think critically about different types of violence in a safe environment have also proven to reduce the occurrence of child maltreatment.

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6. De Kinderombudsman & Augeo Foundation. Tackling violence against children in Europe. Ten recommendations and eight targets for the EU member states and the European Commission. The Hague, 2015.

#### Recommendation No. 4

Implement national legislation that mandates all professionals who come in contact with children to be trained and empowered to listen to them using a trauma sensitive approach, to identify abusive situations and act according to a country's reporting procedures.

#### Recommendation No. 5

Implement legislation that mandates schools, social services and child protection services to have age-appropriate education programmes in place that teach children about children's rights, violence and the prevention of violence and provide these institutions with the means to run such programmes.

#### 4. Insufficient protection for known victims

For too many children, violence is a chronic condition as it is not stopped, even when reported and substantiated. Furthermore, in most European countries there is a lack of data on the protection of victims and the outcome of implemented protection measures on the safety and wellbeing of maltreated children. This is unacceptable.

#### Recommendation No. 6

Structurally collect data on the impact of the protection measures and services that are provided for the safety and wellbeing of the victims, to promote the prevention of recurrence of violence in the lives of maltreated children.

#### 5. Re-victimization

For many children, even if they have the courage to break the silence, it is not the end of their traumatising. Lack of coordination between professionals, insufficient levels of support services provided (for example by social workers and psychologists) as well as the prosecution process (among other things, multiple interviews by police, prosecutors and judges not specifically trained to interview children, delays in court proceedings, non-child friendly environments) cause continuous re-victimization of the child and prevent the healing process.

#### Recommendation no. 7

Put in place stable, well-co-ordinated networks of adequately trained professionals who can promptly begin the intervention process (support and treatment of victims and families) as well as the investigation process (prosecution/court proceeding) in a child-friendly manner.

#### 6. Integrated child protection services

States have to fulfil their responsibilities outlined in article 39 of the CRC, stating that all children who are victims of violence have the right to receive adequate support in order to recover. Still, too many unassisted victims suffer from the psychological, social and emotional consequences resulting from the violence they experienced. Studies have also consistently shown that maltreated children have lower educational achievement than their peers. These impairments could have been prevented and can be dealt with, by integrated child protection services, where there is joint responsible for both the assessment and provision of care aimed at the victims.

#### Recommendation No. 8

Strengthen the child protection welfare system and guarantee systematic support of child victims of violence to recover in the most suitable environment, responding to their best interests, needs and fundamental rights. Extra attention is needed for vulnerable children, including minority, disabled children, LGBT children, children in armed conflict and children on the move (article 2, 20, 22, 23, 30, 37 and 40 CRC).

### 7. Right to be heard

Children's views must be sought and given due weight as a mandatory step at every point in a child protection system (article 12 CRC, GC no. 12 and 13). We feel this has particular relevance in situations of violence. Children and young people's right to be heard can also play a preventive role against all forms of violence in the home, family, schools and institutions. The ENYA young people stressed that they are not being heard and that there are barriers to participation, particularly for marginalized and/or discriminated groups, for example disabled children, minorities and children on the move.

#### Recommendation No. 9

Ensure that children's views are sought and given due weight as a mandatory step at every point in a child protection system. Professionals have to be trained in communicating with children.

### 8. Comprehensive national strategy

In order to fully benefit from the suggested measures, it is crucial to implement them as part of a comprehensive national strategy or agenda. Installing such a strategy is crucial to ensuring a coherent approach to preventing, monitoring and addressing violence against children.

#### Recommendation No. 10

Implement all recommended measures to combat violence against children, as part of a national commitment and strategy to combat violence against children.

ENOC calls upon national governments, the European Commission and the European Parliament to embrace these recommendations and do everything in their power to ensure thorough implementation. While national governments are the designated bodies to safeguard the wellbeing of children within their territories, the European Commission and European Parliament have an important role in supporting, facilitating and accelerating developments in EU countries. ENOC urges the European Parliament and the European Commission, in particular, to assume responsibility for more extensive data collection, research and training of professionals to narrow the knowledge gap. When these measures have been comprehensively executed, Europe will have made significant advances towards the undisputed mission to safeguard all children in Europe from violence.