A new age for child protection – General comment 13: Why it is important, how it was constructed, and what it intends?

Stuart N. Hart*, Yanghee Lee, Marie Wernham

International Institute for Child Rights and Development, Centre for Global Studies, University of Victoria, PO Box 1700 STN CSC, Victoria BC, Canada V8W 2Y2

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ABSTRACT

Children continue to be subjected to high levels of violence (i.e., physical, psychological and sexual maltreatment) throughout the world. International concern about violence against children has increased significantly during the last decade. A Study on Violence Against Children, encouraged by the UN Committee on the Rights of the Child, conducted under the auspices of the United Nations Secretary General and reported in 2006, has become a rallying call to improve child protection. Child protection practices and systems have been judged to be generally inadequate and, in some cases, destructive. It is widely recognized that business as usual—more of the same—will not do. A General Comment (guide to fulfilling obligations) for Article 19, the central conceptualization of child protection of the UN Convention on the Rights of the Child, has the potential to promote a worldwide reformulation of child protection priorities, policies, and practices by virtue of the infusion of a child rights approach. It can be a mechanism for framing and promoting the transformational change needed – for a genuine paradigm shift. Here, explication is given for the historical context, rationale, centrality of child rights, process of development, holistic nature, and primary elements of General Comment 13 (GC13): The child’s right to freedom from all forms of violence. GC13 embodies and champions a child rights approach to child protection entailing strong support for proactive primary prevention, promotion of good child care, and a commitment to secure the rights and well-being of all children. A child rights-based, comprehensive coordinating framework is recommended for the implementation of GC13.

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Respect for the human dignity of each and every child

The significance of child protection rests on that which it is intended to protect. It can be argued, as did Schweitzer (1993), that all life is precious, a reverence for life is deserved, and “to the truly ethical man, all life is sacred . . .” (Gottlieb, 1996, p. 407). Here, we are concerned particularly with human life, and with not only its existence, but with its nature and development which produce its quality and a multitude of possible influences on other lives.

Evidence abounds that humans are quite special, arguably unique beings in this universe, and capable of achieving nearly everything we have imagined (Kurzweil, 2010; Maku, 2011; NOVA, 1999; Thorne, 1994). Human capacities for existential

* Corresponding author at: 81627 Camino Fuerte, Indio, CA 92203, USA.

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thought and choice, unknown in other beings, are the primary bases or foundations for these powers and potentials (Hart et al., 2010).

This special nature of humans shows itself in the early stages of child development. “What we see in the crib is the greatest mind that has ever existed, the most powerful learning machine in the universe,” according to Gopnik, Meltzoff, and Kuhl (2000, p. 1). The degree and manner to which these powers and potentials are fully realized depends to a significant extent on the environmental affordances experienced by persons, particularly embodied in human relationships (Gibson, 1988).

The care the child experiences may end or sustain its life, promote full healthy development and behavior or limit and distort the child’s becoming and influences. Human beings are particularly vulnerable to conditions around them. As infants, they have been described as being born “12 months too early” which subjects them to the potential for numerous diseases and problems (Blustone, 2005). During the remainder of their first 18 years they pass through a series of critical developmental stages offering opportunities to mature in a full healthy manner toward their potentials and/or in constricted and distorted manner toward physical, psychological, social and moral weakness, and corruption (Anda et al., 2006; Erikson, 1963; Kohlberg, 1984; Piaget & Inhelder, 1972).

Strong justification, from these bases, exists for societal concern about the treatment and care of children in general. Even greater rationale for this concern is found in our appreciation of the particularity of each and every individual child. The particular child has never existed before and will not again. Each child brings the added value of its personality to this world (Kierkegaard, 1849/1989; Thoreau, 2011). In the words of Thoreau, “Every child begins the world again” (Thoreau, 2011); thereby giving us another chance to improve the condition of human kind. Every child deserves respect and promotion of its unfolding/emerging added value to life (Melton, 2010). The mistreatment of the child puts the unique personality and potential of the child in great jeopardy (Sanford, 1993; Shengold, 1989).

Violence against children

Historically, “the conceptualization and treatment of children has moved the child from being considered basically a non-entity or miniature adult to being a special class of being; and from property to partial person status” (Hart, 1991, p. 345). Only a few hundred years ago, children were commonly “neglected, abandoned, abused (sexually and otherwise), sold into slavery, mutilated and even killed with impunity” (Pappas, 1983, p. xxviii). Although improved conditions exist in many parts of the world, children continue to experience very high levels of violence. It is important to recognize that aggression is not an aberration of human nature but rather it is one of the primary mechanisms humans have used to meet needs, individually and collectively, throughout history (Pinker, 2002). Research along enlightened paths indicates that aggression, as an adaptive behavior, has gone wrong when it is expressed in the form of violence. If we are bewildered by our violent behaviors, we must extend and apply our knowledge in many areas, particularly in regard to neural science factors (Niederhof, 1999), including emotional and social intelligence (Goleman, 1995, 2006) and to genetic factors (Caspi et al., 2002).

Violence against children, a highly vulnerable group, can be understood as predicated on all the factors mentioned here. The beating, demeaning, or raping of a child are certainly examples of a response to human needs (e.g., for power, securing identity, satisfying a human drive, protection from embarrassment or loss of status) done wrong. International data on physical, psychological, and sexual violence against children, including abuse, neglect, and exploitation indicates millions of children are affected every year. It endangers their lives and very existence, and it is highly destructive to their quality of life, development and behavior, and to the quality of life for their families, communities, and societies through further violence and crime, loss of talent and economic development, and a general degrading of the fabric of life (UN General Assembly, 2006; Myers, 2006, 2011).

Child protection as we have known it

The widespread occurrence of children being mistreated and killed with impunity has diminished in the world as whole, but maltreatment of children continues everywhere in numbers and at levels too large to be considered insignificant or tolerable. Most of the world has gradually developed widely recognized principles, laws and service systems to attempt to protect children. “Attempt” is used purposely here.

A history of child protection in the world is yet to be available. The UN Secretary General’s Study on Violence Against Children (UN General Assembly, 2006) did not attempt to produce or include one, and those histories available generally focus on the English speaking West and its counterparts (Gilbert, Parton, & Skivenes, 2011; Myers, 2006; Shehill, 2004).

It can be argued that, while regional and national patterns differ, general societal interest and action regarding child maltreatment emerged in the late 1800s. The “parens patriae” legal principle was interpreted in the USA as the power of the state to protect persons “legally unable to act on their own behalf” (The Free Dictionary, 2011) and used to undergird government interventions in families. At the turn of the 19th to 20th century, extensions of animal cruelty laws were applied to protect children, and those protection efforts were further supported by social welfare agency development, and public concern about the dangers of child labor in industrial settings. Early attention was focused on neglect, particularly among the poor. The publication of “The battered child syndrome” (Kempe, Silverman, Steele, Droegemueller, & Silver, 1962) provided proof of physical child abuse by caregivers in families and generated widespread public concern. Attention was eventually given to sexual abuse, domestic and gender-based violence (i.e., violence between caregivers and in the family at large) and psychological maltreatment (i.e., emotional abuse and neglect, mental injury, psychological abuse and neglect). Finkelhor
indicates that the child protection movement benefitted particularly from progress in women’s emancipation, the development of professional discipline concentration on children and families, growing support for the view that children should be socialized through love rather than physical beatings and humiliation, and recognition that parents are not always right and should not have unrestricted authority over children. Child protection interventions have emphasized establishment of laws and regulations, including support for child welfare/protection services involved in identification and investigation of victims and perpetrators, punishment of perpetrators, separation of children from perpetrators; and, to lesser degree, therapeutic services to those involved. Associated programs and services have generally been judged to be inadequate (US National Advisory Board on Child Abuse and Neglect, 1990) (UN General Assembly, 2006; Bissell, Boyden, Myers, & Cook, 2008).

Many weaknesses and problems have been noted in the nature of child protection as it has been known, including that some children are further abused by and/or within the system of services; families are sometimes wrongfully stigmatized and traumatized; children identified as “at-risk” are poorly monitored and subject to further victimization in families; there is a disconnect between research, policy and practice communities; the neglect of children is itself widely neglected by child protection and subject to cultural and racial bias; psychological maltreatment receives very little attention; priority is sometimes given to the family over the child by protection systems; mandated reporting is based on faulty understandings; and child protection systems are incapable of adequate response (Bissell et al., 2008; Blythe, 2000; Campbell, Cook, LaFleur, & Keenan, 2010; Gelles, 2000; HMSO Department of Health, 1995; Krugman, 1999; Lone, Parton, Thomson, & Harries, 2009; Melton, 2005). The situation is not totally bleak. For example, laws have been strengthened, public concern for the safety of children has increased in many parts of the world (Svevo-Cianci, Hart, & Rubinson, 2009); child interviewing and court testimony have become more protective and respectful of children (Saywitz, Lyon, & Goodman, 2011; American Academy of Pediatrics, 2011; http://aappolicy.aappublications.org/cgi/reprint/pediatrics;104/5/1145.pdf); psychological maltreatment definitions have been produced and are being used more widely (Hart et al., 2010); and recent reductions in the incidence of physical and sexual abuse have been recorded in the USA, Australia, and the UK (Finkelhor & Jones, 2006).

A balanced and fair appraisal of the situation argues that child protection is strongly in need of constructive transformation (Bennett, Hart, & Svevo-Cianci, 2008). The winds of needed change are building. In Europe a “child orientation” to child protection is emerging (Gilbert et al., 2011). Finkelhor (2011) has predicted “The child protection field will look very different in another 30 years (p. vii)” and that change will bring health care and education to prominence.

**Child rights – Its relevance and promise**

The prospects for advancing child protection in more promising directions, including those just cited, are significantly better today as a result of progress in children’s rights. This is particularly true because of developments during the last 30 years.

Prior to the programs and celebrations of the International Year of the Child, 1979, slow progress was being made in political and civil life toward advancing from conceptualizations of children as property to recognizing children as persons. Children around the world continued at that time to be valued most for what they could do for their parents and societies, particularly emotionally and economically. According to Melton (1983), “If the child is a physically and cognitively able being in many respects, moral and social independence is nevertheless not to be granted on this basis. If children are capable, physiologically and psychologically, of acting on their own, they do not, by this fact alone, prove themselves to be complete persons in the eyes of the community. Arguably, there was not a reigning “positive ideology” of the child in any nation which respected and invested in the added value the child brought to life by virtue of his/her unique personality and personhood.

Fortunately, the human rights movement began to seriously focus on children at this time, to formulate and gather support for the “positive ideology of the child” previously absent. From the roots of recognition that essential human needs deserved to be translated into rights for adults, came support for the establishment of rights for children (Adler, 1981; Hart, 1991; Hart & Pavlovic, 1991; Pappas, 1983). Building from the Declaration of the Rights of the Child (UN General Assembly, 1959), child advocates came to believe something more comprehensive and binding was needed. After first tabling a proposal at the 34th Session of the then UN Commission on Human Rights in 1978, the first draft of the Convention was proposed by Poland in 1979 (Lee, 2010) starting in 1979, 10 years of deliberation by the States Parties of the United Nations was devoted to creating an international treaty. The UN Convention on the Rights of the Child (UNCRC or Convention; UN General Assembly, 1989; Detrick, Doek, & Cantwell, 1992).

The UNCR was adopted without dissent by the UN General Assembly on 20 November 1989 (UN General Assembly, 1989). It is the most successful human rights treaty in history in regard to the quickness and proportion of States parties committing to it, rapidly entering into force on 2 September 1990 and achieving at the date of this publication official commitment by 193 nations of the world. The UNCR includes 41 substantive articles (Part I, dealing specifically with the rights of the child) and 13 procedural and administrative articles (Parts II and III). The Convention establishes the child as a rights bearing person and comprehensively sets forth survival, protection, development and participation rights which can be subdivided into civil, cultural, economic, political and social rights. It represents the greatest qualitative leap in history in the conceptualization of and respect for child. Within the Convention’s holistic approach to the rights of the child are all the major elements needed to establish an advanced and comprehensive approach to child protection, one that would save the child for a life worth living, deal with all forms of violence and maltreatment in all settings, respect and support the roles of
family, school, church, community, culture, and the child in securing these conditions, assure accountability, and measure all efforts in regard to contributions to the child’s physical, mental, social, spiritual and moral well-being.

Article 19 provides the Convention’s central and most comprehensive conceptualization of child protection, emphasizing the primacy of preventing all forms of violence and maltreatment of children. The title of the General Comment, “The right of the child to freedom from all forms of violence,” is testimony of the need for a complete change in the manner that violence against children is understood. It is the right of the child to live in an environment that is peaceful, loving, and free of all forms of violence. In the context of the full Convention, it provides the basis for a transformation in child protection toward a child rights approach.

Development of a general comment for Article 19

When the UN Committee on the Rights of the Child decided to draft a General Comment on Article 19 of the Convention, the International Society for Prevention of Child Abuse and Neglect (ISPCAN, 2008; www.ispcan.org) and the International Institute for Child Rights and Development (IICRD; www.iicrd.org) were identified as partners in this process. From the beginning of the drafting process, it was recognized that this General Comment had the potential to promote a transformation of child protection priorities, policies, and practices by virtue of the infusion of a child rights approach. In particular, it was intended and hoped that the General Comment would champion primary prevention and promotion of good care for children, through a holistic approach to secure and advance the well-being, health and development of all children (Bennett et al., 2009). The process of drafting the General Comment was rigorously carried out over approximately a 2 year period, enlisting panels of expert persons, agencies and organizations, and regional consultations representing diverse cultures. Funding for the drafting program for a General Comment for Article 19 of the UN Convention on the Rights of the Child was provided by the Oak Foundation (Geneva, Switzerland).

GC13 for Article 19: “The right of the child to freedom from all forms of violence”

General Comment 13 (GC13) of the Committee on the Rights of the Child (the Committee), adopted 11 February 2011, can be found at: http://www2.ohchr.org/english/bodies/crc/comments.htm. The objectives set forth by the Committee for the General Comment, directed particularly to States parties and of relevance to all stakeholders, are to: (a) provide guidance in understanding their obligations; (b) outline the legislative, judicial, social and education measures that must be taken; (c) overcome isolated, fragmented, and reactive initiatives which have had limited impact; (d) promote a holistic approach; (e) provide a basis on which to develop a coordinating framework; and (f) highlight the need to move quickly to fulfill obligations. GC13 is based on Article 19 of the Convention on the Rights of the Child and intended to detail and interpret all its elements to satisfy these objectives.

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<th>Article 19</th>
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<td>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.</td>
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<td>2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs 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 identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.</td>
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GC13 institutes a child rights-based approach to child caregiving and protection. Through GC13, the Committee encourages a paradigm shift to understand and apply Article 19 within the CRC’s overall perspective on securing children’s rights to survival, dignity, well-being, health and development, participation and non-discrimination. The Committee emphasizes in the strongest terms that child protection must begin with proactive prevention of all forms of violence as well as explicitly prohibiting all forms of violence. As noted, it declares the need to avoid fragmented initiatives and encourages implementing measures instead through a child rights-based, comprehensive coordinating framework. GC13 articulates the first UN-related “official” definition of a “child rights-based approach” (Committee on the Rights of the Child, 2011; GC13, Paragraph 52; hereafter references specific to GC13 will identify the numbered paragraph [Para] wherein the material is found). Major elements of the paradigm shift intended in the formulation of GC13 are described here.

The human rights imperative

A human rights approach to child protection is the central catalyst for a paradigm shift to transform child protection. A child rights approach “is based on the declaration of the child as a rights holder and not a beneficiary of benevolent activities of adults” (GC13, Para. 72b).
In the words of GC13: “Securing and promoting children’s fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention. All other arguments presented here reinforce but do not replace this human rights imperative. Strategies and systems to prevent and respond to violence must, therefore, adopt a child rights rather than a welfare approach” (GC13, Para. 13). It is the holistic and developmental nature of the human rights imperative which requires that national standards are established for securing “well-being, health and development” as the ultimate goal of child protection (GC13, Para. 18), above and beyond merely ensuring the absence of violence. This provides the criterion against which all child protection legislation, policy, regulation, capacity building, and individual and system practices must be measured.

A holistic approach

The Convention’s conceptualization of “holistic” is best understood by its dictum that all of the rights it proclaims are to be respected in the full context of the Convention in their individual and collective synergistic meanings. In regard to the promoting the child’s well-being, the Convention refers to five domains of the human condition repeatedly as to be given priority: physical, mental, spiritual, moral and social (see Article 27 of the Convention). Article 29, the aims of education, gives further clarification by setting the expectation for “the full realization of each child’s personality and its possibilities, in a manner which promotes socially responsible autonomy in a free society, respecting others, individually and collectively, and the environments in which they might flourish” (Hart et al., 2010). The holistic approach applied to child protection requires that the protection of one component of the child’s being (present), must be accomplished in a manner which recognizes, respects and secures the becoming (future) of that component, and the being and becoming of all other components.

Primary prevention as the predominant strategy

Through GC13, and with support from many stakeholders, the Committee makes its primary prevention imperative abundantly clear, stating “Primary prevention, through public health, education, social services and other approaches, of all forms of violence is of paramount importance” (GC13, Para. 3g) and “The Committee emphasizes in the strongest terms that child protection must begin with proactive prevention of all forms of violence” (GC13, Para. 46). Additionally, it is emphasized that all stakeholders must be alerted to the Convention’s holistic and positive approach to child protection (GC13, Para. 47a [ii]) and that parents and caregivers must be “given education in positive child rearing” (GC13, Para. 44c) and helped to “understand, embrace and implement good child-rearing, based on knowledge of child rights, child development and techniques of positive discipline” (GC13, Para. 47c.i). Essential elements in primary prevention are identified, including education measures to support children’s life skills; knowledge and participation (GC13, Para. 44 introduction); strengthening of family life and stability; and child rearing that is nurturing and meets physical and psychosocial needs, supports secure attachment with at least one adult, and achieves supportive relationships with peers and others (GC13, Para. 72e). In accord with this orientation, child protection systems should be accountable to outcome indicators which “focus on the child’s positive development and well-being as a rights-bearing person, beyond a purely narrow focus on incidence, prevalence, and types or extent of violence” (GC13, Para. 58).

Children to whom GC13 applies

For the Convention on the Rights of the Child, “a child means every human being under 18 years of age unless under the law applicable to children, majority is attained earlier” (UN General Assembly, 1989; Article 1). The Committee on the Rights of the Child has determined that GC13 should apply to all children under 18 who are “in the care of primary or proxy caregivers, or in the de facto care of the State” and who have been emancipated or have attained majority through “early marriage and/or forced marriage” (GC13, Para. 33 & footnote 13). This covers all children emancipated inadequately or improperly. It includes young persons without obvious primary or proxy caregivers, such as “children in street situations, children of migrating parents or unaccompanied children outside their country or region” (GC13, Para. 35). Where primary or proxy caregivers do not have legal or culturally determined responsibility for the child, the Committee has determined that “the State is the de facto caregiver” (GC13, Para. 33). Furthermore, GC13 covers these children in all settings (e.g., home, educational, recreation/sports, work, health, juvenile justice), alone or physically/immediately supervised, and in transitions/transit between settings, for example “to and from school or when fetching water, fuel, food or fodder for animals” (GC13, Para. 34).

Violence defined

The report of the UN Study on Violence Against Children (United Nations, 2006) proclaimed that “No violence against children is justifiable; all violence against children is preventable” (p. 5). GC13 confirms and adopts this dictum (Para. 3a), thereby requiring delineation of the parameters of “violence.” Article 19 establishes that the child must be protected from “all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”
While the prominence of the word “violence” in the UN Secretary General’s Study and Report (UN General Assembly, 2006) argued for its use as shorthand for all forms of maltreatment in GC13, the Committee recognized that it was subject to being misunderstood as limited to “physical harm and/or intentional harm.” Therefore, extensive clarification is provided to establish that all forms identified in Article 19 are covered and “carry equal weight,” and that violence “must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment)” (GC13, Para. 4).

To make it clear that there is to be no “legalized” violence, GC13 states, “Frequency, severity of harm and intent of harm are not prerequisites for the definitions of violence” and that “definitions must in no way erode the child’s absolute right to human dignity and physical and psychological integrity by describing some forms of violence as legally and/or socially acceptable” (GC13, Para. 17).

While choosing not to attempt to list or define all the forms of violence possible, the Committee indicated “Clear operational legal definitions are required of the different forms of violence outlined in Article 19 in order to ban all forms of violence in all settings.” States parties, furthermore, are expected to apply the guidance of GC13 toward that goal and are encouraged to support efforts to standardize definitions internationally (GC13, Para. 18). Helpful descriptions are provided of a wide variety of forms of violence (e.g., neglect, mental, physical, corporal, sexual, torture, harmful cultural practices). Additionally, GC13 recognizes adults, youth/peers, and self (e.g., self-harm, suicide), males and females, as persons who harm children (GC13, Para. 19) and that mass media, information and communication technologies (GC13, Para. 30 & 31) and institutions and service systems (GC13, Para. 32) perpetrate and enable violence against children.

A comprehensive definition of caregivers

Article 19 of the Convention covers violence and maltreatment “while in the care of parent(s), legal guardian(s) or any other person who has care of the child.” In developing GC13, the Committee determined that ambiguity as to the status of being “in the care of” should be reduced and that the most inclusive of interpretations should be established. For those children who are not in well-justified “self-care” status, the Committee indicates that that Article 19 applies to all “those with clear legal, professional, ethical, and/or cultural responsibility for the safety, health, development and well-being of the child” (GC13, Para. 33). To assure inclusiveness of interpretations regarding caregivers, a wide range of examples is provided, e.g., parents, foster parents, adoptive parents, guardians, caregivers employed by the parents, recreational and sports coaches, and responsible adults in health-care, juvenile justice, and residential settings.

All “permanent” primary caregivers (e.g., parents or guardians) and “proxy” or “temporary” caregivers (e.g., teachers and youth group leaders) fall under this General Comment. The State is identified as the de facto caregiver for children without obvious primary or proxy caregivers, including unaccompanied children and those not within the context of physical care settings such as foster homes, group homes or NGO facilities (GC13, Para. 35; GC13, Para. 33).

Obligations to and responsibilities of the family

GC13 asserts that “Implementation of Article 19 requires recognition of, and support for, the primary importance of parents, extended families, legal guardians and community members in the care giving and protection of children and the prevention of violence” (GC13, Para. 66). Particular emphasis is given to the “primary position of families, including extended families” in this regard (GC13, Para. 3h), and this primary position is expected to be established “in the context of national coordinating frameworks” to prevent violence (GC13, Para. 72d).

Referring to the desired paradigm shift to a child rights approach, GC13 (Para. 59) cites the Convention’s encouragement to develop “the capacity of duty bearers to meet their obligations to respect, protect and fulfill rights.” States parties are recognized to “have a positive and active obligation to support and assist parents and other caregivers to secure … the living conditions necessary for the child’s optimal development” (GC13, Para. 5). Article 19 specifically requires the “establishment of social programs to provide necessary support for the child and for those who have the care of the child.” Toward these ends, States parties are expected to disseminate necessary public information to caregivers (Para. 8; Para. 44a); “establish and implement social programs to promote optimal child-rearing” (Para. 41h), including education for parents (Para. 44a); “understand, embrace, and implement good child-rearing, based on knowledge of child rights, child development and techniques for positive discipline” (Para. 47b[i]); implement social policy measures to reduce poverty, assure public health and safety, housing, employment and education policies (Para. 43); and provide “pre- and post-natal services, home visitation programs, and quality early childhood development programs” (Para. 47b[i]).

GC13’s orientation toward the family’s importance is not naïve in nature; it recognizes “that the majority of violence takes place in the context of families and that intervention and support are therefore required when children become the victims of hardship and distress imposed on, or generated in, families” (GC13, Para. 3h). In support of this reality, encouragement is given for effective, cooperating systems of “mental health services, substance abuse treatment and child protection services” (GC13; Para. 47c [iii]), and “respite programs, family support centres, shelters and crisis centres for parents and children” (GC13; Para. 47c [iv], c [v]). Where problems are suspected, GC13 proclaims interventions, including reporting, “should present themselves as help-oriented services offering public health and social support rather than as triggering responses which are primarily punitive” (Para. 49), and that “family conferencing” should be among the full range of services considered
(Para. 52). Furthermore, the State is expected to "provide alternative care" when the child is "temporarily or permanently deprived of his or her family environment" (GC13, Para. 35), which could be necessary to protect the child from violence within his/her family.

**Child participation and agency**

Article 12 of the Convention on the Rights of the Child establishes the "right of the child to be heard" (UN General Assembly, 1989). It "assures, to every child capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with age and maturity" and "that the child shall be afforded the right to be heard in any judicial or administrative proceedings affecting him or her." This article was instrumental in raising the child to rights-bearing citizen status. General Comment 12 of the Committee (GC12) is devoted to this right (http://www.ohchr.org/EN/HRBodies/CRC/comments.htm).

Child participation and agency are strongly respected in GC13. This is due not only to the presence of Article 12 in the Convention, but also to respect the fact that it is the child’s well-being which is at stake in protection from and prevention of violence and maltreatment. GC13 recognizes that the child’s views are of critical importance in determining what he/she has experienced and is experiencing, the influences, results and implications of relevant experiences, and how the child might be assisted by others and by him/herself in assuring protection and benefitting from intervention.

In respect for the holistic nature of the Convention and for the sake of parsimony, GC13 references and relies heavily and appropriately on GC12 to provide detailed direction for child participation and agency. GC13 does draw attention specifically to a number of related points. In its overview, GC13 states, "Children’s rights to be heard and to have their views given due weight must be respected systematically in all decision-making processes, and their empowerment and participation should be central to child caregiving and protection strategies and programs" (Para. 3e). In defining a child rights approach, respect for the child’s views is cited as an essential component (GC13, Para. 59). Article 12 is given full paragraph (63) coverage, mandating respect for the child’s views “at every point in a child protection process,” recognizing that “the right plays a preventive role against all forms of violence in the home and family,” and “the importance of child participation in the development of prevention strategies in general and in school.” Encouragement is given to provide relevant and appropriately formulated information and education to the child (GC13, Para. 8; 44b) and to strengthen the child’s life-skills and protection capacities and contributions (Para. 43a[x]; 44b; 47b[iii]).

Efforts to further clarify and apply the relevance of child participation and agency to secure the right of the child to freedom from all forms of violence will be well served by a full understanding and appreciation of GC12 (see particularly GC12, section 7 “In situations of violence,” Para. 118–121).

**Comprehension intervention**

A central strength of Article 19, which GC13 reflects and illuminates, is its requirement for a full and broad range of interventions (See Article 19, Sections 1 and 2). States parties are noted to have associated responsibilities at all levels – national, provincial and municipal (GC13, Para. 5; Svevo-Cianci et al., 2011, in this journal).

The primary prevention imperative of GC13, including the promotion of “optimal positive child-rearing,” is affirmed (Para. 41b; 43b) and it is expected that child caregiving and child protection measures will be integrated “into mainstream systems of social policy” (GC13, Para. 43a[i]). The importance of involving all major actors and sectors of society (e.g., government, professional and civil society, and children; GC13, Para. 42b; Para. 8) and assuring coordinated and integrated programs and strategies are given consistent support (e.g., establishment of a government focal point to coordinate child protection strategies and services; GC13 Para. 42i). The UN Secretary General’s Special Representative on Violence Against Children is recognized to have a position, expectations, and influence to promote and facilitate collaboration across a wide range of international and civil society partners toward realizing the aims of GC13 (Para. 7d). The provision by the States party of adequate budget allocation is expected (GC13, Para. 41e). Mandated reporting, an issue debated in regional consultations at the Committee’s request, is recommended, “at a minimum” to be “required of professionals working directly with children” (GC13, Para.49), and the expectation is established that these professionals will be educated/trained on a child rights approach to child protection (GC13, Para. 44d[i]).

**A national coordinating framework–stewardship at all levels in all sectors**

Strong, effective, efficient, well-articulated, understood, and applied frameworks are essential to carry out the advances expected by the Committee for GC13. States parties have previously been encouraged to adopt national plans of action for a variety of purposes (e.g., Millennium Development Goals, Education for All). Because such plans of action have faced numerous challenges, the Committee has recommended establishment of a “more feasible and flexible instrument”, a “coordinating framework on violence against children” to advance “all child rights based measures to protect children from violence in all forms and to support a protective environment.” The coordinating frameworks are recommended to be “used in place of national plans” where they do not exist or to be complementary to effective existing national plans (GC13, Para. 68).

As envisioned by the Committee, these coordinating frameworks can provide “a common frame of reference and mechanism for communication” for all actors in government and civil society; promote “flexibility and creativity,” and “allow for
the development and implementation of initiatives led simultaneously by both Government and community” (GC13, Para. 69). While they can originate from starting points taking advantage of conditions/opportunities special to the particular States party (GC13, Para. 70) and express a wide range of models in their formulation, they should result from and be part of a “transparent and inclusive process” and be “fully costed and financed” (GC13, Para. 71).

The Committee recommends 10 elements to be mainstreamed into the national coordinating frameworks: a child rights approach, gender dimensions of violence against children, primary prevention, the primary position of families in child caregiving and protection strategies, resilience and protective factors, risk factors, children in potentially vulnerable situations, resource allocation, coordination mechanisms, and accountability. Each of these is illuminated in GC13 (Para. 72) and at other points in GC13.

Accountability

“A commitment to a purpose or goal should always be accompanied by willingness, in fact, a demand, to be held accountable—to be answerable for being, doing and achieving what has been promised” (ICCRD, 2010). Accountability is one of the elements that must be included in the national coordinating framework. The Committee emphasizes that “it must be ensured that States parties, national and local agencies and organizations, and relevant civil society stakeholders proactively and cooperatively establish and apply standards, indicators, tools, and systems of monitoring, measurement and evaluation to fulfill their obligations and commitments to protect children from violence” (Para. 72).

Adequate indicators and measurement and evaluation tools do not presently exist for the Convention in general, or specifically for Article 19 and GC13. An accountability program of research and development will be well-served by relating to progress being made in framing measurement and evaluation for early child development (Early Childhood Indicators Group, 2008) and for child participation and agency (Lansdown, 2011a,b). To date, there have been many good intentions in the form of pledges, commitments, and plans, but not enough emphasis has been placed on holding all stakeholders accountable for their actions. If accountability is well framed and pursued, the possibilities for realizing the intents of the Convention and GC13 will be greatly enhanced. This is the proper bridge to a future assuring the rights and well-being of children, in a world free of all forms of violence.

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