CHAPTER 7

Introduction: Young Children's Rights to Protection

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Introduction

This short chapter introduces the section of the handbook concerning young children's rights to protection. UNICEF (2006) suggests that children may need protection from exploitation, violence, and abuse. The United Nations High Commissioner for Refugees (UNHCR) (2001, 7) defines child exploitation as:

> 'abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner – monetarily, socially, politically, etc. Exploitation constitutes a form of coercion and violence, detrimental to the child's physical and mental health, development, and education'.

Examples of child exploitation might include child labour, sexual exploitation, abduction, sale or trafficking of children, as well as child soldiers. 'Child abuse' is regarded as 'an act of commission that is outside of accepted cultural norms' (physical abuse, sexual abuse or emotional abuse') or an act of 'omission, the failure to provide for the child's basic needs' (neglect) (UNHCR, 2001, 6-7). Child abuse and exploitation are incorporated into definitions of violence against children. The United Nations Convention on the Rights of the Child (UNCRC) (United Nations (UN), 1989) (Article 19) identifies violence against children as 'all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'. The World Health Organisation (WHO) and International Society for Prevention of Child Abuse and Neglect (ISPCAN) (2006, 9) define child maltreatment as:

> '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.'

Violent acts against children are quite simply identified as physical abuse, psychological or emotional abuse, sexual abuse or neglect experienced by those up to 18 years World Health Organisation (WHO), 2017) One person may perpetrate violence on another, it can be selfinflicted, or a large group may act violently as a collective (WHO and ISPCAN, 2006. Data and research findings about violence against children are limited (UNICEF Child Protection and Monitoring Group, 2014), but according to available data, violence against

children is endemic across the World: globally, one in four adults was abused physically as a child (WHO, 2017). However, children's right to protection from all forms of violence is enshrined in the UNCRC (Article 19) (UN, 1989), and bolstered by the United Nations Committee on the Rights of the Child (UNComRC) in its General Comment No. 13 (2011). The chapter opens by drawing together data that highlights the prevalence of violence against children. It then discusses some of the causes and effects of violence against children and what is being done by global organisations to address the situation, with consideration of what more might be done. This introductory chapter leads into the section with an overview of its other chapters.

What is the extent of violence against children?

It is recognised that much violence perpetrated against children goes unreported (United Nations (UN), 2006). Nevertheless, in 2017, children informed the World Health Organisation that in the previous year, 23% of them had been physically abused, 36% had been emotionally abused, 16% had suffered physical neglect and 18% of girls and 8% of boys (26%) had experienced sexual abuse (WHO, 2017). Whilst some children are victims of violence by strangers, generally, the people who are violent to children tend to be people they know well including family members, teachers, and neighbours (UNICEF, 2015). Children are victims of violence in a range of environments, many of which are familiar to them, including their homes and schools (UNICEF, 2015). Increasingly, the internet is a medium used to abuse children, including infants and toddlers (NSPCC, 2019; We Protect Global Alliance, 2018),

In a systematic review, Moody, Cannings-John, Hood, Kemp and Robling (2018) compiled evidence from studies where adult participants over 18 years or child participants under 18 years had self-reported experiences of maltreatment before reaching the age of 18 years. Their results revealed the international prevalence of self-reported child abuse, as follows:

- **Physical abuse (200 studies):** Africa: 18.9%, Asia 13.9%, Australia: 6.7%, Europe: 22.2%, South America: 9.7% and North America: 18.1%

- **Sexual abuse (287 studies):** Africa: 15.4%, Asia 16.4%, Australia: 10.1%, Europe: 13.2%, South America: 2.6% and North America: 18.2%
- **Emotional abuse (105 studies):** Africa: 26.9%, Asia 33.4%, Australia: 9.2%, Europe: 21.7%, South America: no data and North America: 23.9%

- **Neglect (72 studies):** Africa: 44.8%, Asia 47.2%, Australia: 14.4%, Europe: 27%, South America: 6.6% and North America: 30.1%.

These data were mirrored in the results of the United Nations General Assembly (UNGA) (2006) global study concerning violence against children, which concluded that commitments to protect children from violence made by countries which had ratified the UNCRC were not being honoured. The report observed that 'all violence against children is preventable' (UN, 2006, 24).

Causes and effects of violence against children

Numerous underlying causes have been identified for people committing violence against children and risk factors present at individual, family and community levels. They include – but are not limited to – low self-esteem, difficulty bonding with a baby following birth, poverty, poor housing, cultural norms that accept physical punishment, unemployment, children aged 0-4 years, disability, mental or physical illness, substance abuse, family history of neglect or abuse, young parents, adults other than the child's parents living in the home, social isolation, lack of knowledge about child development (Centers for Disease Control and Prevention, 2019; WHO and ISPCAN, 2006).

Children's experiences of the effects of violence are diverse. Violence against children can result in fatal and non-fatal injury, physical health problems and disability, psychological, emotional and mental health problems including trauma, anxiety, depression and insecurity, as well as cognitive impairment. It may also result in school exclusion, anti-social behaviour and aggression: violence leads to violence (UNComRC, 2011). War and conflict in the early part of the twenty-first century have affected children in their millions: in 2017, 347 million children in Africa and Asia, and 20% of children in the Middle East were living in a conflict zone (Save the Children, 2019). Children younger than 5 years twice as likely to be victims of homicide as children aged 5-14 years, because of their 'dependency, vulnerability and relative social invisibility' (WHO and ISPCAN, 2006). Children who experience violence are often not only deeply affected in the short-term but may also be throughout their lives and the trauma they experience can affect subsequent generations (Lumsden, 2018). Because of the brain's architecture and development, this impact tends to be magnified when infants and younger children are the victims of violence (WHO and ISPCAN, 2006, 10-11).

What is being done at global level to address violence against children?

In recent years, global non-government organisations (NGOs) including WHO (2006), UNGA (2006) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) (2017) have conducted large studies to attempt to establish the extent and reach of violence against children. They report that much of the issue is hidden from view, yet they also report figures indicating that violence against children is widespread across the World.

The UNCRC (UN, 1989) is explicit in outlining children's rights to protection as well as optional protocols. Children have rights to be protected from kidnapping (Article 11) and any type of violence (article 19). They have rights to protection if their parents cannot care for them, if they are adopted or in foster care, or if they are refugees (Articles 20,21, 22). Children also have the right to be protected from any work that may endanger their health or education (Article 32), as well as rights to be protected from drug abuse, sexual exploitation, abduction, sale or trafficking, detention or cruel punishment (Articles 33, 34, 35, 36, 37). Children affected by war and armed conflict have the right to be protected (Article 38), children who have experienced abuse, neglect or exploitation have the right to rehabilitation (Article 39), and children accused of breaking the law have the right to fair treatment and legal help (Article 40). In 2000, optional protocols were added to the UNCRC (UN, 1989: these provided additional protections to children in the case of armed conflict, and in respect of the child pornography and prostitution and the sale of children (UNICEF, 2014).   Two further protection articles focus on protecting children's rights: 'If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply' (UN, 1989, Article 41) and an explicit statement that 'Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled' (Article 4). In principle, every country except the United States of America is a signatory to child protection rights – along with child provision and child participation rights – but the evidence, discussed above, suggests that many children find their protection rights are not respected in practice. The United Nations General Assembly agrees with this analysis (UNGA, 2006).

New Perspectives on Young Children's Rights to Protection
As discussed above, the youngest children are the group of children who are most susceptible to experiencing violence, exploitation and abuse against them; their 'vulnerabilities, and… requirements for protection, guidance and support in the exercise of their rights' are recognised by the United Nations Committee for the Rights of the Child (2005, 2). Nevertheless, young

children are also considered 'social actors from the beginning of life, with particular interests (and) capacities' (United Nations Committee for the Rights of the Child, 2005, 2). The chapters in this section provide new perspectives on many – though not all – of their rights to protection. An underlying theme running though all the chapters is governments' 'responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled': Article 4 (UN, 1989). All 'Articles' alluded to below refer to the UNCRC (UN, 1989).

The section opens with Philip Garner's examination of policy and practice for young children with special educational needs and disabilities (SEND). In Chapter 8 - '*Rhetoric and realities: macro-policy as an instrument of deflection in meeting the needs of young children marginalised by SEND*' - Garner argues powerfully that governments are not translating policy into practice for young children with SEND,, so they are failing in respect of Article 4 by not protecting their rights in respect of discrimination (Article 2), living with their parents (Article 9), good quality health care and (Article 24) and education that develops their personality, talents and abilities to the fullest' (Article 29) (UN, 1989). Zoi Nikiforidou argues in Chapter 9 - '*Risk and Safety in Western Society*' - that many children live in in westernised countries are subject to too much protection from potential risks such as violence (Article 19), kidnapping (Article 11) and abduction (Article 35) and that paradoxically, this means their parents and carers deny them other rights, so that, for example they do not protect their right to play (Articles 4 and 31). Nikiforidou's argument focuses in part on who decides the 'best interests of the child' (Article 3).

In Chapter 10, Eunice Lumsden's chapter '*The (In)visibility of Infants and Young Children in Child Protection*' highlights that violence and abuse against children may be hidden. With particular focus on the English context., she critiques how child protection procedures may or may not help adult to protect the rights of young children (Article 4), particularly their rights to protection from violence (Article 19) and to rehabilitation if they have been neglected, exploited or abused' (article 39). Peter Moss critiques '*Childcare and Standardisation: Threats to Young Children's Rights to Education*' in Chapter 11. Whilst his chapter touches on the best interests of the child and who decides (Article 3) its main thrust of his argument is that by linking young children's early education and care to economic imperatives, some governments are failing to protect young children's rights to an education that develops their personality, talents and abilities to the fullest' (Articles 4, 28, 29).

In her chapter *'Leave No One Behind: Young Children's Rights to Education'*, Mercy Musomi highlights some of the challenges for government and educators in securing rights to an equitable and fulfilling education, free of discrimination, for young children with disabilities in Kenya (Articles 4, 28, 29, 34). Musomi illustrates ways the Girl Child Network in Kenya is helping to protect these rights in practice. Kristina Konstantoni and Kyriaki Patsianta have further suggestions for how young children's rights in times of crisis might be protected (Article 4). In their chapter *'Young Children's Rights in 'tough times: Towards an intersectional children's rights policy agenda in Greece and Scotland',* they argue that the application of intersectionality to the fields of early childhood and young children's rights may support understanding about how to reduce apparently intractable barriers to securing young children's rights to health, education and play (Articles 24. 28, 31). Prospera Tedam's chapter '*Achieving Rights for young children in Ghana: enablers and barriers'* is a balanced critique of the extent and nature of the protection of particular young children's rights in Ghana (Articles 4, 7, 8, 12, 13).

Cristina Devecchi's chapter *'Being a Refugee Child in Lebanon: Implementing Young children's Rights in a Digital World through the Blockchain Educational Passport'* draws our attention to the special protection that Member States should ensure for refugee children (Article 22), with specific focus on how young refugee children's rights to education might be respected and protected in challenging transient circumstances (Articles 4, 28, 29). Emma Nottingham takes a very different slant to young children's experiences of digital technology in her chapter *'"Dad" Cut that Part out!" Children's Rights to Privacy in the Age of Generation Tagged: sharenting, digital kidnapping and the child micro-celebrity'*. She argues that young children's right to privacy is not protected when their images are shared on social media (Articles 4, 16).

My own chapter with the UNICEF East Caribbean Area colleague as Shelly-Ann Harper, Lisa Trotman-McLean and Heather Stewart highlights the prevalence of violence against children in the East Caribbean, particularly child sexual abuse. In *'Safeguarding the Protection Rights of Children in the Eastern Caribbean'*, we draw on research and literature to highlight that young children experience violence, abuse and exploitation in the subregion, which hinders their positive development and indicates that UNCRC rights embedded in Articles 19, 34, 37 and 39 have not been achieved universally. The chapter sets out some of the work of the UNICEF ECA being undertaken to protect these rights for young children

living in the Eastern Caribbean (Article 4). In the final chapter in this section on young children's rights to protection, Vera Lopez examines young children's experiences of domestic violence by adopting a child rights framework. *'Understanding Young Children's Experiences Growing Up with Domestic Violence from a Children's Rights Perspective'* is concerned predominantly with children's rights to protection from violence (Article 19). By considering young children's own accounts of growing up with domestic violence, Lopez considers how these experiences affect young children's functioning and concludes that such experiences have an adverse effect on young children, and she offers policy and practice recommendations for supporting young children growing up in homes with domestic violence.

Conclusion

Many children find that their protection rights are not respected in practice (UNGA, 2006), and this is particularly the case for younger children who are most likely to be subject to violence perpetrated against them (WHO and ISPCAN, 2006). The chapters in this section highlight both support and barriers in respect of protecting young children's rights (Article 4). A number of protection rights are addressed in detail by authors. However, several are not addressed in this section's chapters. This omission an authentic reflection of the hidden nature of violence against children, their abuse and exploitation paucity of research and discourse concerning the lives of children younger than eight years who experience adoption (Article 21), drug abuse (Article 33), and juvenile justice (Article 40).

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