



Concept paper

Expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children

Background

The United Nations Study on Violence against Children urged states to “prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation and so-called honour crimes, sexual violence and torture and other cruel, inhuman or degrading treatment or punishment, as required by international treaties...”¹

Recognizing the urgency of this process, the Special Representative of the Secretary-General on Violence against Children identified the adoption of legislation to prohibit all forms of violence against children, in all settings, together with an appropriate legal framework for prevention and for response to violence when it occurs, as a priority focus of her mandate.

Law reform on violence against children is an area where progress is taking place. When the UN Study was finalized 16 countries had legislation prohibiting violence in all settings; currently, 29 have introduced such a comprehensive legal ban. In all regions there are significant legislative reform initiatives under way to achieve full prohibition and in many countries laws have addressed specific forms of violence against children, including sexual abuse and exploitation, trafficking and harmful traditional practices. In spite of these important developments, more vigorous efforts are urgently needed. Firstly, efforts to introduce effective legislation to prohibit, prevent and respond to all forms of violence against children need to be scaled up: globally, most children are not yet fully protected by law from all forms of violence in all settings. Secondly, in countries where there has been progress, further efforts are required to narrow the gap between law and practice. Legislation needs to permeate the work of institutions and shape the training and ethical standards of professionals working with and for children; and it needs to secure the availability of accessible and child sensitive, confidential and safe counseling, reporting and complaint mechanisms to address incidents of violence.

In order to advance progress in these areas, the Special Representative (SRSG), the Office of the High Commissioner for Human Rights (OHCHR), the Inter-Parliamentary Union (IPU), and the International NGO Advisory Council on Violence

¹Recommendation 2.

against Children will host an expert consultation on law reform, on 6 and 7 July 2011 in Geneva.

Purpose

The aim of the Consultation is to formulate practical recommendations to accelerate the adoption of effective legislation to protect children from all forms of violence. The Consultation will focus on progress achieved and factors critical to legal reform, covering selected areas from among the five settings identified by the Study where violence against children manifests itself (in the home, in the community, in schools, in institutional care and justice institutions, and in places of work).

Specifically, the Consultation will address the following issues:

- Identifying what legislation is required to effectively prohibit, prevent and respond to all forms of violence against children;
- Identifying what can be done to accelerate law reform in all regions, including:
 - Identifying and making available existing legislation in compliance with relevant international standards;
 - Identifying critical factors for ensuring legal reform;
 - Identifying gaps and inadequacies in national legislation to combat VAC;
 - Identifying opportunities to achieve law reform in countries where legislative reform is currently under way;
 - Identifying possibilities for technical cooperation to support countries in achieving the necessary legislative reforms;
 - Considering criteria for identifying “good” practices of relevant legislation on a continuing basis;
 - Considering efforts for the development of model legislation;
 - How to accelerate progress in legislative change;
 - Next steps in promoting rapid and effective legislative reform.

Participation

It is envisaged that participants will be experts with experience in the process and content of legal reform related to violence against children in different settings, taking into account geographical representation, national experience, and available resources. Participants will have knowledge of the legislative framework required to protect children effectively from all forms of violence and an understanding of the process of law reform and how to accelerate it across all regions.

Participation will include UN agencies such as UNICEF, OHCHR, UNODC, ILO; human rights bodies, including the Committee on the Rights of the Child; the IPU, international organizations and civil society representatives, and individual experts on these issues.