

Save the Children and Child Protection

Save the Children fights for children's rights to protection. Save the Children defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children.

An Introduction to Child Protection

The goal of child protection is to promote, protect and fulfil children's rights to protection from abuse, neglect, exploitation and violence as expressed in the UN Convention on the Rights of the Child (see the box below) and other human rights, humanitarian and refugee treaties and conventions, as well as national laws.

Children's Rights to Protection from Abuse, Neglect, Exploitation and Violence

Key child protection articles in the UN Convention on the Rights of the Child are Articles 9 (family separation), 10 (family reunification across borders), 11 (illicit transfer of children), 16 (right to privacy, honour and reputation), 19 (protection from violence, injury, abuse, neglect, maltreatment or exploitation), 20 (alternative care), 21 (adoption), 22 (refugee children), 23 (disabled children), 24 (harmful practices), 25 (periodic review of alternative care), 32 (economic exploitation), 34 (sexual abuse and exploitation), 35 (abduction, sale or trafficking of children), 36 (other forms of exploitation), 37 (juvenile justice and protection from torture or other cruel, inhuman or degrading treatment or punishment), 38 (protection in armed conflict), 39 (recovery and reintegration) and 40 (children in conflict with the law).

Articles that are not protection rights but represent important approaches to securing children's protection rights include Articles 5 (support for the parent, extended family and community); 7 (birth registration and protection of identity), 18 (parental responsibility), 26 (social security), 27 (adequate standard of living and social protection), 28 & 29 (education), and 31 (play and leisure). In addition, Articles 2 (non-discrimination), 3 (the best interests of the child), 4 (accountability), 6 (survival and development) and 12 (children's right to be heard) are all essential complements to the above articles.

Child protection work aims to prevent, respond to, and resolve the abuse, neglect, exploitation and violence experienced by children in all settings. It is a specialist sector in its own right but of necessity works very closely with other sectors.

It requires a multi-disciplinary and multi-sectoral approach (linking closely, for example, with work in education, health and criminal justice). Increasing the effective protection of children also involves working with a wide range of formal and informal bodies, including governments, multilateral agencies, donors, communities, carers, and families.

Importantly it also requires close partnership with children, including initiatives to strengthen their capacity to protect themselves. Child protection work aims to strengthen the capacity of all these actors to protect children and to develop systems and mechanisms that provide meaningful protection for all children in the longer term. It seeks to address the root causes of child protection failures such as chronic poverty, insecurity, power imbalances and harmful traditional attitudes and behaviours.

The State has the main responsibility for the fulfilment of children's protection rights and should establish a national and community-based child protection system with a coordinated and holistic approach, integrating the contributions of the different sectors and actors. Such a system should be based on a combination of law and knowledge (in line with human rights standards), and include well-trained staff, children's participation and awareness raising on the nature and response to child protection concerns. The accountability of the State for such a system is essential for its effectiveness and sustainability. In situations of conflict and disaster where the State is unable or unwilling to ensure the protection of children, international bodies need to take on the responsibility for the fulfilment of children's protection rights.

Child protection is an important component of broader protection activities aiming to ensure the care and protection of vulnerable population groups such as elderly persons, disabled persons, and the chronically ill, as well as children. This includes emergency settings where child protection practitioners work with others to provide a specialist component of overall humanitarian protection for displaced and refugee populations.

Child protection should not be confused with the protection of all children's rights, which is the responsibility of everyone working with children. Similarly, child protection is related to – but distinct from – the organisational protocols, policies and procedures aiming to ensure that every child with whom Save the Children and its partners works is safe while they are in our care.

What Does Save The Children Mean By.....?

Abuse

A deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity and development.

Abuse includes all forms of physical, sexual, psychological or emotional ill treatment.

The term 'abuse' is, in some contexts, used to refer primarily to such acts when committed 'in the context of a relationship of responsibility, trust, or power' such as by someone who has the care of the child including parent(s), legal guardian(s) or any other person who has the care of the child even temporarily such as a teacher, a community worker, a babysitter or nanny etc. In most contexts though, 'child abuse' is understood to refer to all such acts of ill treatment including when committed by a stranger.

Child abuse will be committed regardless of any justification or reason that may be provided for the ill treatment including discipline, legal sanction, economic necessity, the child's own consent to it, or in the name of cultural and religious practice.

Examples:

Physical Abuse involves the use of violent physical force so as to cause actual or likely physical injury or suffering, (e.g. hitting, shaking, burning, female genital mutilation, torture.)

Emotional or psychological abuse includes humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation)

Sexual Abuse includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in pornography, and sexual slavery. Child sexual abuse may also include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.

Neglect

Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development.

Neglect is sometimes called the 'passive' form of abuse in that it relates to the failure to carry out some key aspect of the care and protection of children which results in

significant impairment of the child's health or development including a failure to thrive emotionally and socially.

Evidence is usually needed of persistent or severe neglect (repeated failures or a failure that is in itself so serious that it severely endangers the child)

Examples:

***Neglect** includes abandonment, the failure to properly supervise and protect children from harm as much as is feasible, the deliberate failure to carry out important aspects of care which results or is likely to result in harm to the child, the deliberate failure to provide medical care or carelessly exposing a child to harm for examples can amount to neglect.*

Exploitation

Child exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development.

It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.

There are two main forms of child exploitation that are recognised:

Sexual exploitation: the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another as well as personal sexual gratification.

Examples: Child prostitution, trafficking of children for sexual abuse and exploitation, child pornography, sexual slavery.

Economic exploitation of a child: the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour.

Economic exploitation implies the idea of a certain gain or profit through the production, distribution and consumption of goods and services. This material interest has an impact on the economy of a certain unit, be it the State, the community or the family.

Examples:

Child domestic work, child soldiers and the recruitment and involvement of children in armed conflict, child bondage, the use of children from criminal activities including the sale and distribution of narcotics, the involvement of children in any harmful or hazardous work.

Violence

There are a number of definitions of violence used depending on the focus and approach taken to it. For example, whether it is defined for legal, medical, sociological purposes. The UN Study on Violence Against Children (2006) definition of violence draws on Article 19 of the Convention on the Rights of the Child: **“all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”** as well as the definition used by WHO in the World Report on Violence and Health (2002): **“the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child’s health, survival, development or dignity.”**

Violence can be committed by individuals or by the State as well as groups and organisations through their members and their policies. It results not only in fear of/ or actual injury but also in fundamental interference with personal freedom.

WHO has identified 3 types of violence:

- 1) Self directed violence
- 2) Interpersonal violence
- 3) Collective violence

Examples:

Self directed violence: *suicide and self mutilation.*

Interpersonal violence: *All forms of physical, sexual and psychological abuse, neglect and exploitation including domestic violence and other forms of gender based violence.*

Collective violence: *State violence is one of the primary forms of collective violence and is understood as violence committed, condoned or allowed by the State and its representatives. It includes violence by the armed forces, law enforcement officers and security forces of all kinds but also violence committed by any other State agent. State violence against children include the use of the death penalty and other cruel, inhuman and degrading treatment including Torture, forced displacement, unlawful imprisonment, extra-judicial killings and executions, enforced disappearances, all forms of violence against children living under the care of the State including children living in institutions and children in detention and penal facilities among other examples.*

Other forms of collective violence would include violence resulting from internal and international armed conflicts, terrorism, organised crime, but also collective forms of

violence targeting specific groups of people such as child infanticide, honour killings, gang violence,

Corporal or physical punishment (and the threat of it)

This includes hitting the child with the hand or with an object (such as a cane, belt, whip, shoe, etc); kicking, shaking, or throwing the child, pinching or pulling their hair; forcing a child to stay in uncomfortable or undignified positions, or to take excessive physical exercise; and burning or scarring the child.

Humiliating or Degrading Punishment

This takes various forms such as psychological punishment, verbal abuse, ridicule, isolation, and ignoring the child.

Harm

Harm is the result of the exploitation, violence, abuse and neglect of children and can take many forms, including impacts on children's physical, emotional and behavioural development, their general health, their family and social relationships, their self-esteem, their educational attainment and their aspirations.

In some context, the term 'significant harm' is used within the protection system to determine the threshold of harm required before intervention by protection services can be undertaken. This approach seeks to balance the potential risk posed to the child facing the protection issue with the real risks that may come with the intervention itself.

Emergencies

Situations where the survival, physical or mental well being, or development opportunities for children are threatened as a result of armed conflict, the breakdown of social or legal order or a natural disaster.

In the context of an emergency, pre-existing child protection concerns are likely to persist and possibly be worsened by the emergency situation. At the same time a range of new concerns, some specific to the situation itself and others relating to the response to that crisis will need to be understood and addressed. This means that an effective child protection response in an emergency should be both informed and based on the pre-existing situation and concerns while also attempting to prevent, reduce and respond to the new issues created by the crisis.

A Cautionary Note to the Reader on Definitions

Different languages and different professional fields can use different terminology to refer to all the issues above. Save the Children uses the definitions set out above.

In some contexts the term *child maltreatment* is used to refer to all forms of abuse, neglect and exploitation carried out by a parent or carer. In other context, the term *child abuse* is used as the generic term that includes physical, sexual and psychological abuse as well as neglect and exploitation. For some people *violence* is the generic term that covers all these forms of harm.