

# The African Report on Violence against Children



The African Child  
Policy Forum

# The African Report on Violence against Children

## THE AFRICAN CHILD POLICY FORUM (ACPF)

Founded in 2003, the African Child Policy Forum (ACPF) is an independent, not-for-profit, pan-African institution for policy research and dialogue on the African Child. ACPF's work is rights-based, inspired by universal values, informed by global experiences and knowledge, and guided by the needs and environment of African children. Its work is guided by the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and other relevant regional and international human rights instruments. Within its Secretariat based in Addis Ababa, ACPF has a small but dedicated number of staff that has earned a wide and credible reputation in their professionalism and commitment. The organisation also benefits from the contribution and guidance of a strong International Board of Trustees. Under the leadership of eminent African leaders such as the current Chair, H.E. President Joaquim Chissano, the Board members - who are all child-rights experts in their own right with global reputation and reach - ensure accountability of the organisation, provide strategic guidance and contribute technically to the work of ACPF. In partnership with institutional bodies and other rights-based organisations in Africa and around the world, ACPF aspires to contribute to the effort led by the African Union Commission to build an 'Africa Fit for Children'.



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# LIST OF ACRONYMS

<b>ACERWC</b>	African Committee of Experts on the Rights and Welfare of the Child
<b>ACPF</b>	African Child Policy Forum
<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>ARVAC</b>	African Report on Violence Against Children
<b>AU</b>	African Union
<b>CEDAW</b>	Convention on Elimination of All Forms of Discrimination Against Women
<b>CLPC</b>	Children’s Legal Protection Centre
<b>CRC</b>	Convention on the Rights of the Child
<b>CSEC</b>	Commercial Sexual Exploitation of Children
<b>CSO(s)</b>	Civil Society Organisation(s)
<b>DHS</b>	Demographic and Health Survey
<b>DRC</b>	Democratic Republic of Congo
<b>ECDD</b>	Ethiopian Centre for Disability and Development
<b>ECPAT</b>	End Child Prostitution and Trafficking
<b>FGM/C</b>	Female Genital Mutilation/Cutting
<b>HIV/AIDS</b>	Human immunodeficiency virus / acquired immunodeficiency syndrome
<b>ICAST</b>	International Child Abuse Screening Tool
<b>ICT</b>	Information and Communications Technology
<b>ILO</b>	International Labour Organization
<b>INGO</b>	International Non-Governmental Organisation
<b>ISPCAN</b>	International Society for the Prevention of Child Abuse and Neglect
<b>NGO(s)</b>	Non-Governmental Organisation(s)
<b>OSISA</b>	Open Society Initiative of Southern Africa
<b>PLAN WARO</b>	PLAN West Africa Regional Office
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>REPSSI</b>	Regional Psychosocial Support Initiative
<b>SADC</b>	Southern Africa Development Community
<b>SRSG’s VAC</b>	Special Representative of the UN Secretary-General on Violence against Children
<b>TCC</b>	Thuthezela Care Centre
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children’s Fund
<b>URSB</b>	Ugandan Registration Services Bureau
<b>VAC</b>	Violence against children
<b>WVI</b>	World Vision International





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# FOREWORD

Violence is a severe infringement of children's rights and constitutes one of the most serious threats to children's life, survival and development.

In 2003, the UN General Assembly asked the Secretary-General for a comprehensive study on the problem of violence against children. The resulting *World Report on Violence against Children* (the "UN Study") was submitted to the General Assembly in 2006 and represented the first attempt to document the reality of violence against children around the world and to identify the many challenges hampering children's effective protection. The Study set out 12 overarching recommendations for action. A key recommendation was to strengthen data and research on violence against children, so as to improve understanding of the phenomenon, break the invisibility of child victims and advance national implementation efforts to secure children's freedom from violence.

Following a joint request by the Special Representative of the Secretary General on Violence against Children (SRSG VAC) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) for more country-specific evidence of violence against children in Africa, the African Child Policy Forum (ACPF) embarked on a number of country-based studies. This report, the African Report on Violence against Children, reflects an analysis of these findings together with those from other significant surveys and studies. The report helps to gain deeper understanding of the extent and depth of incidents of violence committed against children in Africa, and crucially it includes a reflection of children's own perspectives and experiences. While much has been achieved, this report highlights that violence is widespread in Africa, as it is around the world. The report highlights what needs to be done from a legal, policy and programmatic perspective to protect children from violence and identifies key priority areas for action. It is also unique, in that, while not entirely exhaustive, it provides a pan-African perspective in many different contexts in Africa.

The launch of this report coincides with the 25<sup>th</sup> and 24<sup>th</sup> anniversaries of the adoption of the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) respectively. It provides a timely and sound contribution to support African governments in their efforts to overcome persisting and emerging challenges in this area, and to seize opportunities for improvement in violence prevention and children's effective protection from violence in Africa.

As discussions on the post-2015 global development agenda intensify and the anniversaries of the UNCRC and ACRWC draw closer, the African Report on Violence against Children gives us a strategic insight into how far African States have come toward ensuring children's protection from violence and, crucially, what still needs to be done to give every girl and boy the opportunity of enjoying a childhood free from violence.

Children's freedom from violence, in all its forms and manifestations, is indispensable for the sustainable social and economic development of African nations. Indeed, freedom from violence is critical to achieving a sustainable future for Africa in which every child can grow up healthy, resilient, well-educated, culturally sensitive and effectively protected from neglect, abuse and exploitation.

On behalf of the ACERWC and as Special Representative of the Secretary General on Violence against Children, we welcome this significant report and express our support to its recommendations. We call on all African States and regional bodies, as well as UN agencies, civil society organisations, faith based groups and other key stakeholders to join hands in implementing the proposed Agenda for Action.

We are confident that this report and its Agenda for Action will help African States achieve tangible progress in the safeguarding of children's rights and in building a region where all children can grow up and develop to their fullest potential in an environment free from violence.

**Benyam Dawit Mezmur**

Chair, ACERWC  
Second vice-Chair,  
UN Committee on the Rights of the Child

**Marta Santos Pais**

Special Representative of the  
UN Secretary-General on Violence against Children



# STATEMENT FROM PARTNERS

Despite the considerable progress made by African governments on various fronts, the state of child protection in Africa leaves much to be desired. And violence against children in Africa continues to be a significant problem throughout the continent.

We have made our contributions to the studies that informed the preparation of the African Report on Violence against Children, which is a manifestation of our strong conviction that evidence-based programming is key to effective policy and programme development. The report not only provides an Africa-wide picture of the magnitude of violence against children and corresponding responses, but also sheds light on the hidden but alarming level of violence against certain groups of children particularly children with disabilities and children living and working on the street.

The report offers a menu of priorities for action to combat violence against children at the global, pan-African, regional and national levels, and is, therefore, a valuable evidence base for action. The report concertises and contextualises the recommendations of the UN Secretary-General's study on violence against children to the African reality, as well as mapping out the roles of development partners such as ourselves.

We, as development partners, recognise that protecting children from any form of violence is a supreme obligation of humanity. The ability to live a life free from deprivation and violence is a basic human right and should be granted to all, regardless of place of residence, sex, disability, religion or any other perceived factors of distinction.

As we look towards the future, we envision a stronger and more dynamic research-to-policy and practice linkages to ensure that comprehensive and systemic national child protection systems are put in place and that better harmonisation and co-ordination are achieved amongst development partners.

Through our global, regional and country engagements, we will continue to invest in strengthening national child protection systems. We will ensure that lessons learnt are further concretised and scaled up for more effective action. We commit ourselves, severally and collectively, to doing our level best to end violence against children and to creating a world where every child enjoys a life of peace and security.

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# PREFACE

This report, *The African Report on Violence against Children*, the first comprehensive analysis of violence against children in Africa, comes at an opportune moment in the history of child rights in Africa and the world. It comes at a time when the child rights community is taking stock of the progress made in advancing child rights 25 years since the adoption of the African Charter on the Rights and Welfare of the Child and the UN Convention on the Rights of the Child.

The report makes an in-depth exposition of the magnitude as well as the causes and consequences of violence against children and analyses the various vulnerability factors that underlie or aggravate violence such as, gender, social practices, homelessness and disability.

The report looks into the multifarious community and family cosmos within which the African child grows. It analyses how a complex web of community values and socio-cultural factors bear upon the child's upbringing and protection, and how some of these factors may occasionally expose the child to violence.

The report seeks to find answers for why the problem of violence still persists despite the proliferation of child protection programmes and services by critically examining both the achievements and the gaps cutting across the legislative and programmatic realms.

Building upon existing efforts and persisting gaps the report lays down the priorities for action at various levels and the interface that is required amongst the various actors for better protection of children. The report calls for a shift towards a systems approach to child protection that emphasises prevention and collaborative responses at multiple levels, including at the family and community levels.

The report echoes what others have reiterated in the past that violence, in whatever form, is unacceptable and cannot be justified on cultural or religious grounds whatsoever.

Expressing our sincere thanks to the various partners who made their respective contributions to its preparation, we humbly present the report for use in legislative and policy formulation and programme development as well as for advocacy and public sensitisation.

**Theophane Nikyema**  
Executive Director, ACPF

**His Excellency President Joaquim Chissano**  
Chair, International Board of Trustees, ACPF



# EXECUTIVE SUMMARY

## PURPOSE OF THE REPORT

The report aims to inform and accelerate pan-African, regional and national efforts to prevent and respond to the violence perpetrated against children. Its continent-wide focus on the experiences of African children is unique, as is its analysis of the interaction and effect of African beliefs, behaviours and attitudes on violence committed against children. The report also aims to recognise and highlight progress achieved to date not only in the evolving understanding of the problem, but also in relation to improved actions for prevention and response.

Accordingly the report sets out to do the following:

- Review the prevalence of different forms of violence against children, including those who are most vulnerable, in order to understand the risk factors involved, including complicit social and cultural norms;
- Gauge the impacts of violence on children, including through their own perspectives;
- Examine what is being done and what can be done to mitigate violence, and to transform attitudes and behaviours in such a way as to reduce its incidence and the damage it causes to children's lives.

## SETTING THE SCENE

Violence against children is a significant problem throughout the African continent as it is around the world. It occurs in the home and family, schools, care and justice systems, workplaces and the community. Girls and boys of all ages are affected.

Violence against children takes different forms: physical violence, including corporal punishment; sexual violence, including harassment and abuse; and mental violence, including verbal abuse, cruelty and harassment of a type that can damage a child's psychological and emotional health and well-being. As well as threatening children's survival and development, violence erodes family structures, jeopardises children's education, generates social insecurity and consumes precious national resources.

This report adopts the definition of violence against children used by the CRC Committee provided in the General Comment No 13, paragraph 3: "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse".

Violence against children may be more prevalent and pronounced in certain environments due to contextual factors. These include the age, ability and gender of the child; the socio-economic status of the family and the presence or absence of a family support system; broader socio-cultural norms; and the effectiveness of existing child protection services.

Armed conflict has also aggravated children's, especially girls' vulnerability to sexual violence. In many African conflicts, extreme sexual violence and rape has been deployed as a weapon of

war. Gross violations of children's rights have been reported from many war zones. During the conflict in Sierra Leone, more than 70 per cent of the reported sexual violence were girls under 18, and more than 20 per cent of those were girls under 11. Another estimate from the conflict period shows that as many as 215,000 to 257,000 Sierra Leonean women and girls may have been subjected to sexual violence. In the DRC in 2008, the UN Population Fund (UNFPA) recorded 16,000 cases of sexual violence against women and girls. Nearly 65 per cent of cases involved children, mostly adolescent girls. An estimated 10 per cent of victims in this period were children less than ten years old.

Violence against children in Africa must be considered within the context of broader social, cultural and economic trends, such as urbanization, deepening poverty and inequality, family fragmentation, the spread of commercialized imagery via global communications technology, and the persistence of traditional norms that do not always correspond to contemporary legal and human rights codes.

As the child grows up, risk factors for experiencing violence beyond the home increase. Even in schools and settings intended to promote the development and protection of children, they may be exposed to risk. For children without families, including those living and working on the street and in other hazardous settings such as domestic work, those with disabilities and in residential institutions, the risks of abuse are even greater.

The report aims to make a major contribution to the understanding of the nature and scope of violence against children in Africa. It aims to inform and accelerate pan-African, regional and national efforts to prevent and respond to all forms of violence perpetrated against children.

## **THE NATURE AND MAGNITUDE OF VIOLENCE AGAINST CHILDREN IN AFRICA**

### **Physical violence**

Violent disciplinary methods including beating are practiced within homes, schools and communities. ACPF studies indicated that 60 per cent of children in Zambia, Morocco and Uganda and around half of children in Mali and Ethiopia experienced physical punishment from family members. Mothers, fathers and older siblings were the most frequent perpetrators in the home setting. Their principal motive was to discipline the child or punish her or him for a misdemeanour. Although nearly 60 per cent of children said that no major harm was inflicted on them, 16 per cent reported that the most recent episode of physical punishment left scars on their body, and 25 per cent that the pain inflicted on them had stopped them from going to school or playing outside the house. However, physical violence against children occurs most frequently in schools. An estimated 92 per cent of pupils interviewed in Togo, 86 per cent in Sierra Leone, 73 per cent in Egypt, 71 per cent in Ghana, 60 per cent in Kenya, and 55 per cent in Senegal and Benin reported having experienced physical violence in schools from teachers or classmates.

### **Neglect**

Neglect or negligent treatment deliberately inflicted to cause harm to a child is the least documented form of violence. In ACPF studies, 14 per cent of children in Uganda and 5 per cent in Morocco reported experiencing deliberate neglect. The child might be denied food and drink even though they were available; be forced to wear dirty and torn clothes or insufficiently warm clothes; and might not be taken to a health facility when sick, even though the means, resources and services were available.

## Sexual violence

Some children are exposed to various forms of sexual violence in their own homes, homes of friends, relatives or neighbours, in schools and in communities. Nearly a quarter of children surveyed by ACPF in Morocco reported having experienced indecent comments and inappropriate advances in the home. However, more severe forms of sexual violence were reported to be more prevalent in schools than in the community. A 2010 survey in Kenya found that schools were the second most common location for sexual violence among girls aged 13 to 17. School-related incidents accounted for 30 per cent of all cases of rape in Sierra Leone.

Outside protective environments, violence, against girls in particular, occurs in the community, for example while walking to school or in the market. In Kenya, 46 per cent of girls had experienced sexual violence in the community. In Swaziland, a study showed that one-third of adult women experienced some form of sexual violence as a child. In Zimbabwe, 20 per cent of females experienced their first incident of sexual violence while travelling to or from school.<sup>2</sup> In Tanzania, incidents of child sexual violence against both girls and boys most commonly took place at school or going to and from school, after someone's house. About one quarter of girls and boys said that at least one incident of sexual violence occurred in a field, bush, river or roadway, while 1 in 10 girls and 1 in 20 boys mentioned incidents in a public building such as a business or bar.

Certain forms of sexual predation in the wider community are increasing. These include child sex tourism, child pornography and the use of virtual images or sexually exploitative representations of children. These are exacerbated by the spread of the internet, the globalisation of communications, and lack of experience in addressing these risks. Kenya, Senegal, Morocco, South Africa and Ethiopia are becoming hotspots of child sex tourism.

## Mental and psychological violence

In Africa, forms of violence other than the infliction of physical harm are seldom recognised as violence. Injury perpetrated by non-physical means on the mental or psychological well-being of a person is consequently rarely documented. Children, whose personal growth and sense of their own integrity as human beings is still developing, are particularly vulnerable to kinds of abuse ranging from insults and name-calling to bullying, intimidation and threats.

Psychological violence is often used as a method of child discipline, with threats used to stop children from repeating unacceptable behaviours. From the research, the distinction between stern discipline of children and inflicting emotional abuse is hard to define consistently. The prevalence of psychological and emotional abuse within the family setting varies, as do attitudes and judgments concerning its perpetration. Children surveyed in Ethiopia reported a prevalence of 53 per cent; in Morocco and Zambia, children reported 75 per cent and 72 per cent respectively.

Prevalence of these forms of violence in schools also differs significantly. Pupils in Ghana were twice as likely to experience psychological abuse in school as those in Kenya or Mozambique. Girls are typically at a higher risk of these forms of abuse than boys.

## Cultural practices involving physical and emotional harm

In Africa, as elsewhere harmful practices exist, generally with some cultural, social or religious underpinnings. Common for most harmful practices is that they have devastating consequences on the child's life, development, health, education and protection. Some of these, result in, damage to the bodies and sexual organs of children, and in their most severe form may result in mutilations and death. These include killings of children with albinism, and mutilations of children accused of witchcraft.

While there is evidence that the prevalence of FGM/C has declined and the proportion of child brides has generally decreased over the last 30 years, millions of children in Africa continue to suffer from various forms of harmful practices. Each year three million girls are at risk of genital cutting in Africa, with a very high prevalence in some countries and among some ethnic groups (in Ethiopia, Somalia, Egypt and Mali, for example). Millions of girls are also married before the age of 18, many without consent and some under coercion. Early marriage increases their risk of being subjected to sexual and physical violence in the home. In Niger, Chad and Mali the prevalence of child marriage exceeds 70 per cent. Of the 41 countries world-wide with child marriage prevalence rates of 30 per cent or more, 30 are in Africa.<sup>2</sup>

## VIOLENCE AGAINST PARTICULARLY VULNERABLE CHILDREN

Some children are at particularly high risk of experiencing violence due to special circumstances of personal disadvantage or stigma. These children are highly discriminated against and vulnerable, and sanctions against perpetrators are weak. Four groups are singled out for special attention.

**Street and working children:** Studies show that children who live and work on the street commonly endure violence. Perpetrators include members of the public, employers, 'customers', pimps, police and adolescent peers. A high proportion suffer physical violence, sometimes severely enough to seek medical treatment; a similar proportion experience psychological abuse; over two-thirds (74% in Uganda) had suffered sexual violence.

**Child domestic workers:** Children employed as domestic workers frequently reported being beaten with whips, electric cords, belts and sticks. Burns and injuries were common, and children were also subjected to abuse, enduring sexual coercion, cruelty and humiliation.

**Children in residential institutions:** An ACPF study in Malawi found that 43 per cent of boys living in residential institutions suffered physical violence; 16 per cent of boys and 23 per cent of girls were subject to sexual violence. One in ten victims of physical violence reported severe assault, and over a third reported mental abuse.

**Children with disabilities:** Children with disabilities are at a greater risk of violence than their non-disabled peers, for reasons that include social stigma, difficulty for the children to report and be believed, discrimination, negative traditional beliefs and ignorance. The ACPF studies showed that on average, children with disabilities are twice as likely to suffer abuse as their non-disabled peers.

## VIOLENCE THROUGH THE EYES OF CHILDREN

Children's perspectives on violence against them were captured by children and youth polls conducted by ACPF. According to the polls, 70 per cent of children had a good relationship with their father and relationships with their mothers were even better. However, one in every three children does not have a good relationship with either parent and feels at risk of being abused.



The polls showed that children detest violent behaviour and avoid their parents when they sense it. In Kenya, most children reported witnessing violent behaviour. In settings where a high proportion of children witnessed adult family members verbally abusing each other or hitting each other, predisposition to experiencing violence was higher.

Where children are not consulted about matters in the home affecting them, a correlation is found with increased risk of violence. In Sierra Leone, in households where children are excluded from discussion, violence against them was 7 per cent higher.

## THE RESPONSE – WHAT HAS BEEN DONE TO PROTECT CHILDREN FROM VIOLENCE?

### Legal reform

Many African countries have undertaken legal reform to better protect children from violence. The right to freedom from torture and cruel, inhuman and degrading treatment or punishment is recognised in about 49 African constitutions<sup>1</sup> and is explicitly defined as a non-derogable right in six.<sup>2</sup> Although only a few mention them specifically, children are also protected under the general Bill of Rights provisions contained in most Constitutions.

Most African states have ratified the key international and regional human rights instruments, notably the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Five have prohibited corporal punishment. More than a third have adopted comprehensive children's statutes that include prohibition of female genital mutilation. Rape and statutory rape are designated criminal acts in all African countries, and all have legal provisions criminalising sexual violence, abuse and exploitation. Specific anti-trafficking laws have been passed in 30 African countries.

However, the practical implementation of legislation, including ensuring access to child-friendly justice, is frequently constrained by a lack of efforts such as public information and awareness campaigns to achieve social change, a lack of capacity building of professionals working with and for children as well as under-resourcing of enforcement agencies, and challenges associated with lack of knowledge concerning the rule of law, and the continued use of traditional systems of punishment and sanction.

In countries where national legislation exists alongside with customary and religious law, legal interpretation and implementation involve greater complexities, tensions and challenges that can seriously compromise children's best interests. These systems can sometimes be relatively accessible and work in synergy but the interplay and tension between them in many countries can also compromise the safeguard of the rights of children, and perpetuate violence and discrimination based on gender, age or other status.<sup>3</sup>

<sup>1</sup> Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia and Zimbabwe. See: Protecting children from harmful practices in plural legal systems with a special emphasis on Africa. Office of the Special Representative of the Secretary on Violence against Children, 2012

<sup>2</sup> Democratic Republic of Congo, Ethiopia, South Africa, Sudan, Swaziland and Uganda. See: Protecting children from harmful practices in plural legal systems with a special emphasis on Africa. Office of the Special Representative of the Secretary on Violence against Children, 2012

## Policies, programmes and services for child protection

African governments are making increasing efforts to develop and integrate policies and programmes promoting child protection into their development planning process. Governments and child protection stakeholders are strengthening systems designed to improve the lives of women and children, including by the prevention and reduction of violence, abuse, and exploitation. There has been a shift from single-issue approaches to more cross-cutting interventions within a systematic policy framework. Guided by the Convention on the Rights of the Child, the systems approach shifts attention to a larger systemic framework that includes legal and policy contexts, institutional capacity, community contexts, planning, budgeting and monitoring and evaluation sub-systems. Mapping and assessment has been demonstrated as a common first step in Sub-Saharan Africa to develop and address priorities to strengthen systems for the protection of children. This also provides good information on the link (or lack of) between the “formal” national or government-led elements of the system (e.g., laws, policies, finance, and workforce) and the “informal” elements, sometimes referred to as “endogenous” family and community practices.<sup>4</sup>

While a systemic approach to child protection is increasingly recognized as necessary, it is not yet established in most African countries. The existing range of programmes and projects designed to prevent and respond to violence against children include many good practice examples. These include violence-prevention in schools, social protection and family support, child- and women-friendly police training and special units, the provision of services for working and street children, and many others.

However, many interventions remain narrow and technical, and are not adequately integrated into a wider policy, programme and service delivery framework. Considering the high levels of violence affecting millions of African girls and boys each year, the situation calls for an urgent response, and reaching more children vulnerable to and damaged by violence, remains a high priority.

## WHAT NEEDS TO BE DONE?

African governments have made significant progress towards enhancing the protection of children over recent years. Researchers are making greater efforts to assess and document the extent of the problem of violence against children. Many countries have developed National Plans of Action on Violence against Children and are strengthening systems designed to protect children from violence, abuse and exploitation. These efforts were triggered or boosted by the 2006 UN Secretary-General’s *Study on Violence against Children* and its twelve recommendations. Despite these encouraging developments, however, violence against children, in all its forms, remains pervasive. ACPF research highlights that progress has been too slow, too uneven and too fragmented to bring violence against African boys and girls to an end- findings which echo the 2013 Global Survey on Violence against Children.<sup>5</sup> A concerted effort across many fronts needs to be made.

## **AN AGENDA FOR ACTION**

Three broad priority areas are proposed, each requiring a set of concrete actions.

### **I. REINFORCING LEGAL AND POLICY FRAMEWORKS AT THE NATIONAL LEVEL, SO AS TO ESTABLISH THE NORM OF PREVENTING AND RESPONDING TO VIOLENCE AGAINST CHILDREN, AND FACILITATE THE DEVELOPMENT OF EFFECTIVE PROTECTION SYSTEMS**

1. Develop consensus around the meaning of ‘violence against children’ in the African context in line with the UNCRC and ACRWC.
2. Ensure that commitment to child protection is a priority in the post 2015 development agenda in Africa.
3. Prohibit by law all forms of violence against children and undertake a comprehensive legislative review to ensure that legislation relevant to children’s protection from violence, foreseen in statutory, customary or religious laws, are in full conformity with human rights standards, including the CRC and its Optional Protocols and the ACRWC. 3. Legislation must be supported by detailed provisions on reporting, investigation and prosecution of incidents of violence against children.
4. Develop comprehensive multi-sectoral national child protection strategies, focusing on enhancing the implementation of laws and policies at all levels of society with realistic and time-bound targets, coordinated by a lead Government agency with the capacity to involve multiple sectors in a broad-based implementation strategy. Systems have to be put in place for confidential, child-friendly counselling, complaint and reporting mechanisms, linking informal and formal mechanisms, with recognition for the needs of especially vulnerable children.

### **II. ENHANCING PROGRAMMES AND SERVICES TO PREVENT AND RESPOND TO VIOLENCE AGAINST CHILDREN**

5. Develop a pan-African Strategy to achieve universal free birth registration throughout the continent.
6. Ensure universal social protection for all Africans, especially the most vulnerable and marginalised families, to reduce disparities and ensure access to good quality basic social services to support families to care for and protect their children.
7. Prioritise the prevention of violence against children by addressing its underlying causes, including by recognising the family as the key setting in which to prevent and reduce violence against children and put in place policies and programmes to enhance the care and protection capacities of families.
8. Promote evidence-based community child protection activities, building on the strength and resilience of local communities, families and children, including proper understanding of children’s rights, provision of sexual education and promoting child protective social norms.
9. Build the capacity of children and youth to enable them become actors of their protection and the protection of their peers.

### **III. BUILDING EVIDENCE ON VIOLENCE AGAINST CHILDREN AND PROMOTING EVIDENCE-BASED ADVOCACY**

10. Strengthen national routine data-collection, research and monitoring and evaluation systems in order to identify vulnerable sub-groups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children in Africa. Data should be disaggregated by sex, age, urban/rural, household and family characteristics, education and ethnicity.
11. Conduct studies and encourage national data-gathering institutions to build the evidence base for advocacy, and deploy its findings effectively to inform the child protection systems strengthening work.
12. Develop a pan-African strategy for advocacy to promote non-violent values and awareness-raising to transform attitudes that condone or normalise violence against children, at all levels from regional and national, to district and community, including governmental bodies and civil society organisations (CSOs). Advocacy efforts should also target the private sector, especially service providing sectors of tourism, the travel industry, and Internet and telecom service providers to ensure that protection of children from sex tourism and online sexual exploitation forms an integral part of corporate social responsibility.

# 1

## SETTING THE SCENE

*'When I experience violence, I wish I could disappear.'*  
12 year-old boy, Ethiopia

### 1.1 VIOLENCE AGAINST CHILDREN: A GLOBAL SNAPSHOT

The 2006 United Nations Secretary-General's Study on Violence against Children<sup>3</sup> was the first and most comprehensive global study on all forms of violence against children. It exposed the pervasiveness, complexity and impact of violence inflicted on children in every continent of the world- including in the home and family, in schools, care and justice systems, the workplace and the community. The report proposed 12 important recommendations to address this phenomenon (see Box 1.1).

#### Box 1.1: The 12 recommendations from the 2006 World Report on Violence against Children

1. Strengthen national and local commitment and action
2. Prohibit by law all violence against children
3. Prioritise prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure the participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability and end impunity
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment

To ensure effective follow up to the Study recommendations, the United Nations Secretary-General found it necessary to appoint a Special Representative on Violence against Children.

In 2013, the Special Representative of the UN Secretary-General on Violence against Children (SRSG's VAC) produced a report, *Toward A World Free From Violence: Global Survey on Violence against Children* which showed that despite the important achievements that had been accomplished since 2006, progress has been too slow, too uneven and too fragmented to effectively eliminate violence against boys and girls. Violence remains a pervasive phenomenon that affects the life of millions of children around the world:

- Every year, between 500 million and 1.5 billion children worldwide endure some form of violence. Many of the greatest dangers are associated in early childhood, when violence can have an irreversible impact on children's development and well-being.
- Many types of violence have a gender dimension, with girls particularly at risk of sexual violence and boys of more severe physical punishment and gang-related violence.
- Children with disabilities are more likely to experience physical, psychological or sexual violence than non-disabled peers.
- 168 million children around the world are engaged in child labour. Of these, 85 million children are exposed to hazardous work that poses a danger to their health and safety. According to the ILO, over 11 million girls around the world aged 5-17 years are involved in domestic work.

<sup>3</sup> Commonly known as World Report on Violence against Children carried out by the Independent Expert for the United Nations Secretary-General's on Violence against Children

- 100 million children live or work on the streets facing daily discrimination, violence and exploitation.
- Between 2007 and 2010 the numbers of child victims of trafficking rose from 20 to 27 per cent. Two in every three child victims are girls. Yet, the number of convictions for trafficking in persons remains low: 16 per cent of countries have not recorded a single conviction.
- Three million girls are at risk of FGM/C each year.
- More than one million children are held in police stations, pre-trial facilities, closed children's homes and other places of detention where they are at risk of humiliation, abuse and acts of torture.
- 1 million children are coerced, kidnapped, sold and deceived into child prostitution or child pornography each year.
- Children the world over are also exposed to sexual abuse and physical violence in schools.
- In 2010, 3.4 million children under 15 years around the world were living with HIV. The cumulative forms of vulnerability caused by the HIV and AIDS epidemic not only increases the risk of violence, but violence, including rape, also fuels the epidemic, especially among girls.

## Global Progress since the 2006 World Report on Violence against Children

Undoubtedly, progress has been achieved in combating violence against children on the global level. There is a growing visibility of violence against children on the policy agenda, and a gradual recognition of both the human and social cost of this phenomenon together with the high social return that investment in prevention can bring. Efforts in advocacy are having a growing impact on improving adherence to international standards on children's protection from violence particularly through the ratification and implementation of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. More countries than ever before have policies in place to prevent and address violence against children. In 2006, 47 countries had some form of policy agenda on this issue – today, there are more than 80. Many more countries have an explicit and comprehensive legal ban on violence against children, in many cases, described in the Constitution itself. In 2006, only 16 countries had legislation prohibiting violence in all settings. Today, 38 have a comprehensive legal ban on violence against children. There has been significant progress on the legal protection of children from sexual exploitation, an estimated 90 per cent of governments have legislation on sexual violence against children.

Momentum is growing to ban violence as a form of sentencing. More than 60 per cent of governments confirmed the prohibition of inhuman sentencing for children and youth, including life imprisonment and capital punishment, and many others have introduced a moratorium to this effect. An increasing number of countries are raising awareness of the risks to children associated with new technologies, particularly the internet, social networks and mobile phones. There is a growing influence of regional organizations and institutions that act as a bridge between international commitments and national realities, and play an increasingly important role in the cross fertilisation of lessons and scaling up of positive experiences. There is growing support for children's participation with new international and regional platforms for children's engagement, increasing involvement of children in research initiatives, and a greater scrutiny of the gap between rhetoric and reality in this area. There is an increasingly sophisticated understanding of the risk factors and underlying influences that lead to violence – social, cultural, political, economic and environmental – and how, in turn, this violence is experienced by children as they grow and develop.

## Global Challenges and Concerns

Despite the progress that has been achieved, a number of challenges remain on the global level, these include:

- Insufficient investment in violence prevention, despite the clear benefits for human and economic development, and the high social cost of inaction.
- National strategies for violence against children remain largely fragmented or non-existent.
- Policy interventions remain uncoordinated, with weak communication and articulation across government departments and between central and local authorities.
- Legislation remains unconsolidated and poorly-enforced, with notable gaps in children's legal protection, and between law and practice in many countries.
- The focus on gender remains, with up to 40 per cent of governments providing no information on laws, policies or advocacy on the gender dimension of violence.
- There is insufficient attention given to the situation of particularly vulnerable children who remain hidden and overlooked. This includes girls, children with disabilities, children growing up in poverty, children living and/or working on the street, indigenous children and those from minority groups.
- There is inadequate attention to the cumulative impact of violence across children's life, and insufficient investment in early childhood care and development as well as positive parenting programmes.
- There is an inadequate investment in child-sensitive mechanisms for counselling, reporting and complaints on violence against children.
- Recovery and reintegration services are limited. Where such services exist, they fail to address all forms of violence against children, and little information is available on their quality or impact.
- Scarce data and research on the extent and impact of violence against children, the risk factors, underlying attitudes and the social norms that perpetuate the violence, remains scarce.

## A way forward on the global level: Recommendations of the 2013 SRSG's VAC Global Survey on Violence against Children

Building on earlier recommendations from the 2006 World Report on Violence against Children and reflecting the progress and the persistent challenges that remain, the 2013 SRSG's VAC report, *Toward A World Free From Violence: Global Survey on Violence against Children* proposes 8 recommendations to guide global efforts (see Box 1.2).



### Box 1.2: Recommendations of the 2013 SRSG's VAC report, *Toward A World Free From Violence: Global Survey on VAC*

1. All governments should develop and promote a national, child-centred, integrated, multidisciplinary and time-bound strategy to address all forms of violence against children.
2. Explicit legal bans on violence against children should be enacted as a matter of urgency, accompanied by detailed measures for implementation and effective enforcement.
3. Policy initiatives and legal measures should be accompanied by greater efforts to address the social acceptance of violence against children.
4. There must be an ongoing commitment to children's meaningful participation.
5. All governments must work to ensure the social inclusion of girls and boys who are particularly vulnerable.
6. Governments must recognise the crucial importance of collecting appropriately disaggregated data on violence against children, and match this recognition with adequate policy making and support.
7. There must be a stronger focus on the factors that influence levels of violence and the resilience of children, their families and communities.
8. As the international community considers the future global development agenda beyond 2015, violence against children, including the most vulnerable and marginalised girls and boys, must be made a priority and recognised as a cross-cutting concern.

## 1.2 VIOLENCE AGAINST CHILDREN IN AFRICA: A GROWING REGIONAL CONCERN

The child on the street brutally beaten by police; the girl in school sexually assaulted by her teacher or classmate; the child abused because of a physical deformity; the girl forced to submit to cutting of her genitals; the boy scarred from beatings for misbehaviour; siblings afraid when they witness violence between their parents in a confined shanty dwelling. All these children experience the trauma of violence.

Violence against children is a significant problem throughout Africa as it is around the world. It occurs in the home, in the school, in the street, the workplace, in residential care homes and in penal institutions. Girls and boys of all ages are affected.

A key recommendation of the *World Report on Violence against Children* was to strengthen data collection and research into violence committed against children, so as to improve understanding of the phenomenon and to advance national implementation efforts to better protect children. This *African Report on Violence against Children* is a direct response to the UN Secretary-General's World Report and the analytical framework is based on similar settings of childhood as set out in the 2006 Study.

### 1.2.1 Taking up the challenge

In 2010, the 15<sup>th</sup> session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) requested the African Child Policy Forum (ACPF) to take up the challenge of undertaking new studies and surveys that would enrich African policy debates and inform practical initiatives to protect children from violence. Since then, ACPF has undertaken a multi-country study and drawn upon other sources, including findings from national surveys on violence against children undertaken by governments with support from UNICEF and other donors, to prepare the first Africa-wide report on violence against children.



The *African Report on Violence against Children* is primarily informed by the ACPF surveys undertaken in eight countries: Ethiopia, Kenya, Malawi, Mali, Morocco, Uganda, Zambia and Zimbabwe (see Box 1.3 and Annex I). The report also drew upon a compilation of secondary data from more than 75 studies across the continent, and a desk-based review of laws, policies, and programmes in child protection. The literature review together with the country surveys, covers many countries – not all – on the continent, and hence, while not exhaustive, does reflect an Africa-wide picture of the phenomenon.

### Box 1.3: A note on the research

- The ACPF surveys that fed into this report involved five country studies on the extent, causes, and consequences of violence within the family and the community (Ethiopia, Mali, Morocco, Uganda and Zambia); a survey of children in institutions, (Malawi) and five surveys of children on the streets (Ethiopia, Kenya, Malawi, Uganda and Zimbabwe). The surveys targeted boys and girls aged 11-17 years, their parents or primary caregivers, and young adults aged 18-24 years. The survey instruments utilised universal protocols to determine sample size and administration of the questionnaires using an upgraded version of the International Society for Prevention of Child Abuse and Neglect (ISPCAN) Screening Tools, commonly known as the ICAST tools.
- The study adopted the ethical standards of the ICAST tools as well additional ethical considerations (such as the need to avoid the re-victimisation of children).
- Researchers complied with ACPF's Child Protection Policy, including requiring informed consent from research participants and their parents/guardians. Children affected by violence were referred to support services using a referral form, the Child Abuse Reporting Form.
- In each country, a national consortium consisting of policy-focused research and service provision representatives from government and civil society was set up to ensure accountability, ownership and research quality and relevance. The inclusion of organisations involved in clinical and psychosocial services was designed to ensure effective referrals. Country-based researchers undertook the surveys and social and child protection practitioners were closely involved.
- A review of the existing literature and secondary sources was conducted to enrich the survey data, including a desk-based study of:
  - 75 similar studies from across the continent;
  - Annual and technical reports of the Special Representatives and Rapporteurs of the UN Secretary-General on Violence against Children, Armed Conflict, and Violence against Women;
  - Universal Periodic Review reports;
  - Plans of Action;
  - Declarations and Concluding Observations of the UN Committee and the African Committee of Experts on the Rights and Welfare of the Child;
  - States Party reports.

## 1.3 ESTABLISHING A DEFINITION OF 'VIOLENCE AGAINST CHILDREN'

The definition of violence against children is primarily based on Article 19 of the 1989 UN *Convention on the Rights of the Child* (UNCRC), which calls for protection of the child from '*all forms of physical or mental violence, injury or abuse, neglect or negligent treatment,*

*maltreatment or exploitation, including sexual abuse*'. Article 19 is however strongly linked to a broad range of provisions in the Convention beyond those relating directly to violence. In addition to the articles containing the rights identified as principles of the Convention (non-discrimination; best interests of the child; the right to life, survival and development; and respect for the views of the child), implementation of Article 19 must be situated in the context of Articles 5<sup>4</sup>, 9<sup>5</sup>, 18<sup>6</sup> and 27<sup>7</sup> of the UNCRC.

Although states parties to the Convention, which include every African country except Somalia, accept this definition, its translation into national laws, policies and programmes is a reflection of differences of context and reality.

In Africa, this translation is not straightforward, because the definition of violence against children may be culturally contested. The CRC is clear and unambiguous: any form of violence against children is unacceptable and children must be protected from any practice that threatens their well-being and human dignity. Freedom from violence is a right that the international community, which includes all African States except Somalia, has promised to safeguard for all children, everywhere and at all times.

However, in many settings and homes, this does not correspond to traditional African child-raising practices, in which physical chastisement of children is common. Furthermore, certain practices including circumcision rituals endorsed by cultural and religious beliefs, include actions deliberately designed to test children by the experience of pain and can result in permanent damage to the child's physical and mental health and integrity.

Other practices may find no cultural or religious justifications, but are deeply rooted in gender-based discrimination. Still others may reflect ill-perceptions or misconceptions, or discriminatory and harmful beliefs towards marginalised children, including children with disabilities, children with albinism, or children accused of witchcraft. Overall, these incidents are associated with serious forms of violence that threatens children's well-being and dignity.

The UN Secretary-General's Study on Violence against Children called on the prohibition of all forms of violence against children in all settings, including harmful traditional practices. To be effective and achieve social change and establish an understanding of violence against children in Africa, national legislation must reflect the CRC, the ACRWC and other relevant international standards and be supported by other efforts such as public information and awareness campaigns, collective discussions involving communities concerned, and capacity building of professionals working with and for children. When laws enacted to reflect the CRC, the ACRWC and other relevant international standards are not supported by widespread information, education, public debate and social mobilisation initiatives, they may clash with cultural norms and accepted practices and fail to be used and achieve their goal.

### 1.3.1 The Committee on the Rights of the Child and violence

In 2011, the Committee on the Rights of the Child issued a 'General Comment' on Article 19 of the CRC, elaborating its meaning and expanding its interpretation<sup>6</sup>. This Comment reiterated the fundamental principle articulated in the 2006 *World Report on Violence against Children*: '**No violence against children is justifiable; all violence against children is preventable.**'

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<sup>4</sup> Article 5: PARENTAL GUIDANCE AND THE CHILD'S EVOLVING CAPACITIES

<sup>5</sup> Article 9: SEPARATION FROM PARENTS

<sup>6</sup> Article 18: PARENTAL RESPONSIBILITIES

<sup>7</sup> Article 27: STANDARD OF LIVING

The General Comment expounds fully on the meaning of ‘physical and mental violence’. Although in common parlance, violence is often understood to mean only intentional physical harm, other forms such as neglect, maltreatment and abuse of a psychological or emotional kind such as threats and intimidation, as well as sexual violence, are included in the Committee’s definition.<sup>7</sup>

The definition of violence against children can be further expanded to include the flagrant violation of children’s rights to life, security, dignity and healthy development. The underlying principle is that it is not acceptable to inflict harm on a child and to do so cannot be in his or her interests, since such an action violates the child’s physical and psychological integrity and dignity. This premise, Article 19 of the CRC and General Comment No 13 of the CRC, together form the basis of the definition of violence used in this Report (see Box 1.4).

#### Box 1.4: CRC General Comment 13 and the definition of violence

The General Comment on CRC Article 19 issued in 2011 is entitled ‘The right of the child to freedom from all forms of violence’. The Committee on the Rights of the Child recognised that an attitudinal shift was needed in many cultural settings towards respecting the physical and psychological integrity of children in order for violence against them to be reduced.

Paragraph 4 states: ‘In common parlance the term violence is often understood to mean only physical harm and/or intentional harm. However, the Committee emphasizes most strongly that the choice of the term violence in the present general comment 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).’

The following operational definitions, based on the General Comment, have been adopted in this report:

**Physical violence against children** refers to all forms of harm involving physical force which, deliberately or incidentally, cause pain or damage to the child, including all forms of corporal punishment, negligence and maltreatment, and harmful traditional practices such as female genital cutting (FGC).

**Sexual violence against children** refers to violence of a sexual nature, including harassment, abuse, being forcibly exposed to pornographic material, trafficked into commercial sex work, or made subject to coercive sex and rape. If a girl or boy is under the age of consent, then sexual acts with that child are seen as statutory rape.

**Mental violence** (also called psychological or emotional violence) refers to verbal cruelty and abuse, threatening behavior, and the unscrupulous use of adult power to terrorise, exploit, or dominate a child in such a way as to jeopardise his or her development.

## 1.4 CHILDREN’S MULTIPLE EXPERIENCES OF VIOLENCE

The ACPF research reinforces the findings from the 2013 SRSG’s VAC report, *Toward A World Free From Violence: Global Survey on VAC* and draws attention to the interlinked and cumulative nature of violence in which a child who is exposed to violence in one particular context or setting is more likely to experience violence in other settings, particularly in other words, vulnerable children risk experiencing multiple forms of violence.

The type, severity and frequency of violence experienced by African children vary according to many factors, notably age, gender and stage of development. The ACPF research reiterates

findings from the 2013 SRSG's VAC report, *Toward A World Free From Violence: Global Survey on VAC* in that many types of violence have a gender dimension, with girls particularly at risk of sexual violence, especially as they get older, and boys of more severe physical punishment.

When very young, the child is usually with the mother, or a substitute carer such as a female relative, and is usually in the home. Thus any violence experienced, whether in the form of physical punishment, neglect or cruelty, or as a witness to domestic violence, will usually be at the hands of parents or other caregivers. As the child grows and becomes more mature, the risk factors of experiencing violence beyond the confines of the home increase. Schools, where parents entrust their children to the care of responsible adult staff, can be a place of risk from teachers and from peers. To reach school, children also have to negotiate paths and streets, and when not at school they may play in unsupervised and unsafe places.

#### **1.4.1 At adolescence, risks increase**

As they reach adolescence, children face greater risks. They are usually less submissive as they start to experiment with life on the cusp of adulthood. Concern about the transition to adulthood has meant that, throughout African history, parents have adopted special protections to ensure the safety of adolescents, especially girls. Fear that their daughters may lose their virginity and marriageable reputation have been a powerful motivation for confinement at home, for early and non-consensual marriage, and for preventing girls from working in areas other than domestic service.

Youngsters who are not in school, especially boys on the streets or in casual work, are exposed to greater risks than girls sequestered at home. The risk of exposure to violence of adolescents increases when they are not under the authority of their parents or in the care of alternative figures such as teachers or guardians. Without appropriate guidance or mentoring, boys flexing their adult muscles may be more at risk of some forms of physical violence, including getting caught up in gang life or petty criminality, exposing them to further risks: fighting and trouble with the law.

Where a young person is already suffering neglect, or carries the stigma of working or living on the streets, the prospects of police violence, verbal abuse and exploitation are higher. An estimated 45 million African children and adolescents live on the streets, including teenage mothers who are forced to raise their own children in these squalid circumstances.<sup>8</sup> Girls on the streets are especially vulnerable to violence and rape.

### **1.5 INFLUENTIAL DEVELOPMENT TRENDS**

Some risks of exposure to violence are associated with the rapid pace of development occurring in Africa today. Africa is undergoing rapid urbanisation, contributing to a proliferation of slums and shanty towns. Between 2009 and 2025, the continent's urban population is expected to increase from 400 million to 660 million, representing a shift to 47 per cent as compared to 40 per cent of its total population.<sup>9</sup> In urban settings, families face greater economic and social pressures and often become fragmented. Traditional systems of child protection in rural settings have become eroded or weak, as parents go out to work and are not able to care for and protect their children and oversee their passage to adulthood. The nature of urban life in slums and shanty towns also means that children and young people are at greater risk of exposure to multiple forms of violence including sexual exploitation, organised crime, including drugs, gang violence and other high risk situations.

Women and children make up 70 per cent of Africa's 10.4 million internally displaced people.<sup>10</sup> The displacement resulting from migration to towns and cities, often associated with conflict and instability in the countryside, or with climate change, food insecurity and natural disasters and other globalisation processes that re-arrange access to resources such as land and water, have had severe impacts on family life. This has been compounded in many societies by the fall-out from the HIV/AIDS epidemic. A combination of economic, social, environmental and political pressures have led in many countries to the breakdown of communities and the erosion of kinship support. Children in such settings are more exposed to risks of all kinds as parental attention and resources are diverted to the business of sheer survival, and conditions of crowdedness enhance personal tension. In this context, children's vulnerability to violence is heightened: levels of domestic violence may increase alongside the likelihood of children becoming victims of exploitation.

### 1.5.1 Family breakdown: A precipitating factor

As in other parts of the world, the traditional African family unit is less stable today than it used to be. Family breakdown and parental separations are more frequent. Women are obliged to work to help support the family, and are not able to supervise their children adequately. Many women in poverty-stricken urban settings are abandoned by partners and forced to raise children on their own.

Urban life, far from kin and the traditional rural community members has a destabilising impact on childhood and heightens exposure to risk. Increased connectivity to the worldwide web and widespread use of the internet exposes children and young people to a new set of risks. Without adequate parental guidance, adolescent girls are likely to be exposed to new forms of risk, such as sexual exploitation and trafficking.<sup>11</sup>

### 1.5.2. HIV and AIDS and violence against children

HIV/AIDS infection and sexually transmitted diseases disproportionately affect young people. In sub-Saharan Africa, young women aged 15–24 are more than twice as likely to be infected as young men of the same age.<sup>12</sup> In addition to the direct risk to children's health, HIV and AIDS have devastated communities and families, stripping away support networks that were once available to children. An estimated 17.1 million children under the age of 18 have lost one or both parents to AIDS and millions more have been affected, with a vastly increased risk of poverty, homelessness, school dropout, discrimination and loss of prospects.<sup>13</sup> All of these factors increase the likelihood of a child being exposed to violence, abuse or exploitation.

The HIV and AIDS epidemic not only increases the risk of violence: violence also fuels the epidemic, especially among girls. Rape, sexual abuse and exploitation, child marriage and age-disparate sex all increase the likelihood of a girl being exposed to HIV, as do certain harmful traditional beliefs and practices.

The link between violence and HIV infection is not always immediate: forced sex in childhood or adolescence increases the subsequent likelihood of engaging in unprotected sex, having multiple partners, participating in sex work and engaging in substance abuse: all behaviours that increase the risk of HIV.

Unequal gender relationships amongst intimate partners might affect women's (including adolescents') risk of acquiring HIV, given their diminished ability to require condom use or to negotiate safe sex.<sup>14</sup> A study in South Africa reported that women seeking routine antenatal

care who had experienced physical or sexual violence were 53 per cent more likely to test HIV positive and those experiencing high levels of gender power inequality in relationships were 56 per cent more likely to test HIV positive.<sup>15</sup>

According to a study in Rwanda, women who had been sexually coerced by male partners were 89 per cent more likely to be HIV positive.<sup>16</sup> A study of women attending a voluntary HIV counselling and testing centre in urban Tanzania noted that in women younger than 30 years, HIV-positive women were more likely to report at least one event of physical or sexual violence from their current partner than were HIV-negative women, while in women older than 30 years, HIV status was not associated with violence.<sup>17</sup> Although these studies focus on older women, they are equally applicable to younger women and adolescents.

### **1.5.3 Poverty, inequality and violence against children**

The socio-economic and political environment characterising a rapidly developing and changing Africa forms an important backdrop to the rise in violence against children.<sup>18</sup> The pace of social and economic change continually throws up increasing threats to children and to those trying to raise them and care for them. Poverty and violence against children are highly interconnected, and the links between the two are multifaceted. Violence and deprivation have a cumulative impact on children's development, increasing the risks of poor health, poor school performance and long-term welfare dependency.

Poverty and economic hardship have a direct impact on family and community stress levels, leading, in turn, to higher incidences of violence, including domestic violence and violence in the street.

Poor households in most cases have large families, which, in addition to poor housing, may result in overcrowding and a greater risk of children being exposed to sexual violence.<sup>19</sup> Parents in low-income households deal with numerous challenges to make ends meet and satisfy the needs of their children and other dependents. Further, lower levels of education compel families to engage in labour-intensive, low pay jobs that generate insufficient income to satisfy the needs of the family.<sup>20</sup> The distress and poor health conditions that result from the imbalance between household demands and parents' ability to satisfy those demands might easily translate into violent action.<sup>21</sup> In such situations, children are also required to work and support the family, including on the street, often at the expense of schooling, health and leisure time to socialise and play.<sup>22</sup>

Lower levels of education are associated with poverty. Lower education, in turn may imply a limited level of awareness about children's rights.

In most of rural Africa, families try to cope with challenges of poverty by engaging in off-farm activities to generate additional income or other casual activities such as firewood collection and fetching water where children, especially girls are involved.

Poverty also undermines support systems, whether these are the informal structures that would normally provide mutual support among community members in hard times, or formal structures such as economic safety nets and social services, especially where governments lack the capacity and resources to make these measures effective.<sup>23</sup> The challenges to child protection as a result of poverty and inequality are more difficult to overcome when they are compounded by social exclusion and discrimination. Children growing up in poverty are less likely to access basic social services of quality or to benefit from preventative initiatives or protection mechanisms.<sup>24</sup>



## 1.6 THE IMPLICATIONS OF VIOLENCE FOR CHILDREN AND SOCIETY

Violence against children has devastating consequences for the physical, mental, spiritual, moral and social development of children. The Committee on the Rights of the Child in its General Comment 13 described these short- and long-term potential impacts:<sup>25</sup>

- Fatal or non-fatal injury (possibly leading to disability).
- Health problems (including failure to thrive, and lung, heart and liver disease and sexually-transmitted infections in later life).
- Cognitive impairment (including impaired school and work performance).
- Psychological and emotional consequences (feelings of rejection, impaired attachment, trauma, fear, anxiety, insecurity and shattered self-esteem).
- Mental health problems (anxiety and depression, hallucinations, memory disturbances and suicide attempts).
- Risky behaviours such as substance abuse and early initiation of sexual activity).
- Developmental and behavioural consequences, such as non-attendance at school, and antisocial and destructive behaviour, leading to poor relationships, school exclusion and conflict with the law.

Sexual violence in particular has a number of long-term implications, especially for girls. A pregnant girl may be evicted from school, forced into marriage with the perpetrator, or widely considered to be 'a damaged good' and hence unsuitable for marriage. Girls who are kidnapped and forced to become the sexual slaves of rebels or warlords, if rescued, may not be accepted back into their own families and are often unable to reintegrate in their own societies. Girls engaged in transactional sex as a means of survival are often exposed to drugs and violent life-styles.

For children, violence is associated with and has a direct relationship with, higher risks of poor health, poor school performance, and long-term welfare dependency. Violence compromises children's physical and mental development, their health and integrity and may lead to irreversible consequences. Evidence suggests that exposure to violence increases the child's risk of further victimisation and may lead to an accumulation of violent experiences.<sup>26</sup>

Beyond the negative impact on individual child victims and their families, violence is associated with far-reaching costs for societies and countries. The costs of violence drains national budgets and limits social expenditure, slows economic development and erodes nations' human and social capital. Violence and its consequences have direct costs for countries in terms of health care, child welfare, criminal justice, and the value of lost future productivity and earnings.

National policies that emphasise extreme crackdowns on violence committed by children and adolescents by adopting 'zero tolerance' and punitive approaches, potentially further victimise these children. Violence against children cannot be eliminated by more violence. In the absence of appropriate child protection policies and restorative justice services designed to tackle root causes and enable victims to be rehabilitated, the costs to societies remain high.

## Statement from the Chairperson of the UN Committee on the Rights of the Child

The past decade has been marked by important developments in the area of children's rights in general, and in relation to their right to protection in particular, at both international and regional levels. Elaborate normative frameworks have been developed that gave impetus to children's protection from violence. The Committee, through General Comment no. 13 on article 19, no 6 on corporal punishment and references in other general comments to the topic of violence, in its Concluding Observations in response to periodic state party reports under the Convention and its Optional Protocols on Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography, has been providing states parties with clear guidance on their treaty obligations to ensure full protection of children from violence.

Using the annual Days of General Discussion, the Committee has actively promoted a deeper understanding of the contents and implications of the Convention amongst a wide spectrum of audiences. The fact that we dedicated two consecutive general discussions (2000 and 2001) to violence against children testifies to the level of urgency we attach to the problem. Our session reports and biennial reports to the General Assembly also make up a critical point of reference for the international community on children, including those in Africa. Thanks to these and efforts made by other partners, there is a growing recognition of the need for a faster response to child protection concerns with a greater focus on prevention and with better synergy and collaboration.

However, eight years since the launch of the UN Secretary-General's Study on Violence against Children, the existing evidence shows that efforts to combat violence against children have been too fragmented, underfunded, and progress too slow, and too patchy.

As we are preparing to mark a quarter of a century of the implementation of the Convention on the Rights of the Child (CRC) and the African Charter on Rights and Welfare of the Child (ACRWC), we yet again commit ourselves with extra conviction to tackling violence against children in all its forms, and in all settings. This report, the ***African Report on Violence against Children***, provides a unique opportunity to take stock of African states' progress in ensuring the protection right of children since the launch of the UN report. The report gives the most comprehensive picture yet on violence against children in Africa and the child protection efforts that are being undertaken on various fronts. Once again, the report reminds us that violence remains a challenge of growing proportions, as well as drawing our attention to the multidisciplinary and multi-sectoral responses required.

Freedom from violence is children's fundamental human right. Governments must act according to their obligations to children by giving greater political visibility to child protection; putting in place proper legislation and programmes; committing adequate human and financial resources; and ensuring adequate enforcement.

Finally, I strongly believe that the report findings and the priorities it has identified will further strengthen evidence-based action at national, regional and global levels. We all aspire and work towards the reality of an Africa fit for its children, where all children live free from fear of violence, abuse and exploitation.

**Prof. Kirsten Sandberg**

Chair, UN Committee on the Rights of the Child

### 1.7 THE PURPOSE AND FRAMEWORK OF THE REPORT

The report aims to inform and accelerate pan-African, regional and national efforts to prevent and respond to the violence perpetrated against children. Its continent-wide focus on the experiences of African children is unique, as is its analysis of the interaction and effect of African beliefs, behaviours and attitudes on violence committed against children. The report also aims to recognise and highlight progress achieved to date not only in the evolving understanding of the problem, but also in relation to improved actions for prevention and response.

Accordingly the report sets out to do the following:

- Review the prevalence of different forms of violence against children, including those who are most vulnerable, in order to understand the risk factors involved, including complicit social and cultural norms;



- Gauge the impacts of violence on children, including through their own perspectives;
- Examine what is being done and what can be done to mitigate violence, and to transform attitudes and behaviours in such a way as to reduce its incidence and the damage it causes to children's lives.

The report does this as follows in the subsequent five Chapters:

**Types of violence and their incidence:** The different types of violence and their incidence are examined in **Chapter 2**. These include physical violence, mainly beatings and corporal punishment; sexual violence, including harassment; and mental violence, including verbal abuse, cruelty and humiliation sufficient to damage a child's psychological and emotional health. These types of violence and their prevalence, causes and impacts are considered in the home, the school and the community.

**Special vulnerabilities:** In **Chapter 3**, the report reviews special circumstances of vulnerability affecting children that increase their exposure to violence. The focus is on children without family care as a result of parental death, family break-up, abandonment or rejection. The groups examined include children living and working on the streets; in domestic work; in residential institutions; and children with disabilities.

**Children's voices:** Children's own perceptions of the violence perpetrated against them are captured in **Chapter 4**. Within the human rights perspective, the views of children are seen as having an important role, both in identifying experiences and in proposing responses.

**The response to violence against children:** **Chapter 5** contains an overview of existing responses to all forms of violence against children in terms of legal, policy, programmatic, service delivery, and advocacy responses. Responses at different levels and by different actors are analysed and respective roles and linkages reviewed.

**An Agenda for Action:** A set of recommendations for future legal action, policy development, programme implementation and emphasis on the need for a shift towards a systems approach to child protection is set out in **Chapter 6**, taking into account the challenging circumstances facing children and families in Africa today.

## **1.8 THE TARGET AUDIENCES FOR THE REPORT**

The report's principal target audience is African governments and those within them primarily responsible for laws, policies and programmes affecting children and families. These include Ministries of Health, Education and Social Welfare, as well as those responsible for the police, security, justice and law enforcement. Relevant University departments and research bodies are also targeted, as are institutions responsible for data collection and analysis.

The Report is also aimed at development partners of governments including the United Nations and non-governmental organisations (NGOs) involved in preventing and responding to violence against children, as well as other civil society bodies, religious and traditional leaders, and all those with influence over social norms and behaviours affecting children's upbringing. Its aim is to inspire and inform debates about children's well-being and preparation for adult life, and to build a new awareness of the damage caused to children by violence and the measures needed for their protection.



# 2

## THE NATURE AND MAGNITUDE OF VIOLENCE AGAINST CHILDREN IN AFRICA

*‘The midwife will perform the operation without anaesthetic. The other women gather about the poor girl to chant and beat drums to drown out her hysterical screaming.’*

*~ An informant in ACPF and Plan WARO joint study in West Africa, 2012*

### 2.1 AFRICAN CHILDHOOD: THE CONTEXT

In all African cultures, a child is perceived as sacred and in need of protection, physically and spiritually.<sup>27</sup> The value accorded to bearing and raising healthy children, daughters as well as sons, is supreme. Traditional greetings exchanged between neighbours and friends celebrate the importance of the family and its children. Older kin share the responsibilities of nurturing and rearing children, a task of utmost importance on which the future well-being of all the family may rest. Unless circumstances intervene, extraordinary sacrifices and investments are typically made for children by their parents and families.

In recent decades, the extended family structure characteristic throughout African history, within which all members can be supported and protected in the case of crisis, has been negatively affected by socio-economic changes. Traditional forms of rural livelihood and lifestyles are gradually being eroded. In the context of poverty, civil conflict, displacement, environmental disaster, and changing patterns of land ownership and use, many families face significant social and economic stress. Nonetheless, many of the traditional values governing childhood endure in spite of – perhaps because of – the upheavals populations have undergone.

Thus, although some of the reasons for violence against children in Africa are grounded in traditional ideas of upbringing, others are to be found in the breakdown of old systems of protection due to social shocks and developmental changes.

#### 2.1.1 A tough upbringing

Childhood in Africa is generally tough. Patriarchal power is a typically established norm. Children are taught to show duty and respect towards parents and elders, whose patronage governs their lives. From an early age they are expected to perform certain tasks, and behave as directed by their parents and elders. This is reflected in Article 31 of the African Charter on the Rights and Welfare of the Child, in which the child is assigned duties to the family, community and country at large (see Box 2.1).

In Africa, due to the traditional expectation of shared upbringing within the extended family, no exceptional value is accorded to parenting by the mother and father; other adult relations such as aunts and uncles may play as important a role, and their authority is equivalent to that of

parents. This joint raising of children within kin groups has been part of a social support system that contributed to material and emotional support for children and helped protect them from neglect, harm and exposure to premature sexual relations.

### Box 2.1: The African Charter on the Rights and Welfare of the Child, Article 31: Responsibilities of the Child

Every child shall have responsibilities towards his family and society, the State and other legally recognised communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty:

- to work for the cohesion of the family, to respect his parents, superiors and elders at all times;
- to serve his national community by placing his physical and intellectual abilities at its service;
- to preserve and strengthen social and national solidarity;
- to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation.

As they grow older, in certain societies it has been usual to send children to live and work with other members of the extended family, as an opportunity for training or because they reside where opportunities such as schooling, are greater. Maturing girls may also be given in marriage to a partner their family selects. The behaviour of young people is usually subject to strong controls, exercised by whoever is in a guardianship role. Today, this may not be a close family member but someone charged with the child's care in return for performance of household duties.

Many elements of the African traditional system of child protection within the family and the community have important benefits. However, some traditional norms include negative and harmful aspects and practises which affect the African child's right to survival, development, health, education and protection.

#### 2.1.2 The use of violence within upbringing

Every society has different child rearing practices, depending on culture and beliefs including beliefs around child discipline.<sup>28</sup> An African child is not often expected to question the decisions of adults. Disobedience is generally harshly disciplined, and corporal punishment is normal. Family and elders claim that the intention of harsh discipline is not to harm the child but to ensure conformity to societal norms. It is believed that harsh lessons learned help children develop behaviours and acquire competencies that will lead to a greater sense of social responsibility, as well as correct behaviour and give them better chances of success in life.

Thus the use of violence as a means of teaching and enforcing good behaviour is incorporated into most African children's upbringing as a norm and absorbed into their personal value systems. The advent of a rights perspective and the implicit rejection of physical punishment have led to difficulties in many African societies. Indeed, the Committee on the Rights of the Child highlighted traditional and cultural attitudes towards children as the major obstacle to acceptance of the child as a holder of rights. In some cases, disputes have developed between children and adults, with parents claiming that children are being encouraged to defy their authority. This highlights the need to ensure that parents are sensitised and understand the boundaries of discipline and that work on child rights and respecting the views of

children be pursued in a sensitive and empowering manner that engages parents in the process. Similarly, the ACPF research found that community members such as teachers, elders and law enforcers expect to use violence in dealing with children who are perceived as acting “disorderly” in the classroom, on the streets or in the community.

African parents consider the proper upbringing of children as paramount importance in promoting their personal development, safety and social well-being. Thus, harsh disciplinary codes that include corporal punishment are believed to actually contribute to ‘child protection’. The same can be posited for harmful traditional practices, especially those affecting girls, intended to reduce the risk of exposure to sex and sexual predators before marriage, such as FGM in girls at very young ages. It is worth noting that child-raising systems that include physical chastisement are by no means exclusive to Africa.

Yet, the CRC is clear and unambiguous: any form of violence against children is unacceptable and children must be protected from any practice that threatens their well-being and human dignity. Freedom from violence is a right that the international community, which includes all African States except Somalia, has promised to safeguard for all children, everywhere and at all times. Therefore, delinking traditional methods of child protection from harmful acts, and developing alternative non-physically violent methods of achieving the same upbringing goals, is central to the elimination of all forms of violence against children across Africa. To achieve this goal will require national legislation with a clear and comprehensive prohibition of all manifestations of violence, supported by sustained social mobilisation, education and effective advocacy efforts, to support a transformation in cultural ideas whose significance should not be underestimated.

## **2.2 PHYSICAL VIOLENCE**

Physical violence against children takes many forms, including hitting with a hand or other objects; kicking, punching, shaking or throwing the child; pinching or pulling hair; caning or whipping; tying with a rope or chains; or other acts involving physical force. Harmful practices with a bearing on the physical integrity of the child, such as female genital mutilation/cutting (FGM/C), are also included in this category. Physical violence has consequences beyond bodily harm; in addition to injury and disfigurement, it can have psycho-social and emotional effects, such as permanent feelings of shame and damage to children’s self-esteem.

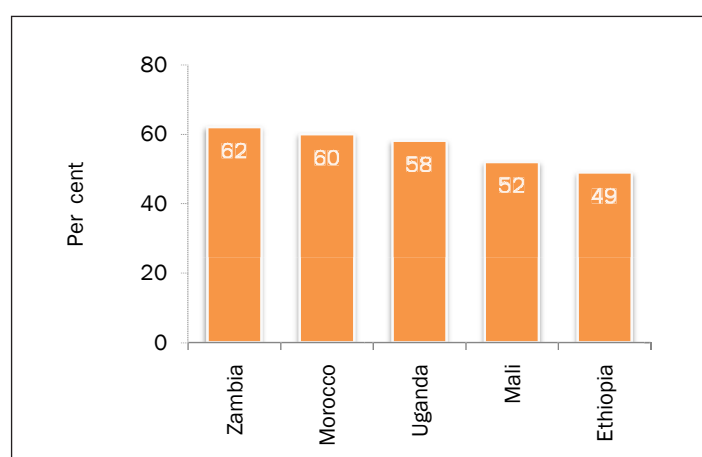
### **2.2.1 In the home**

Above all the home is the place in which children should feel safe, loved, comfortable and happy. Families and parents normally do their best to provide care and protection to their children and make homes secure for them. However, not all homes are safe for all children, and members of the family can be perpetrators of violent behaviour towards children, extending to child sexual abuse and exploitation.<sup>29</sup>

Disciplinary measures using some degree of physical violence are common in African homes. Out of a sample of children aged 11-17 years interviewed in studies in Zambia, Morocco and Uganda, about 60 per cent reported having experienced at least one form of physical

punishment at the hands of close family members in the 12 months preceding the survey. About half of the children surveyed in Mali and Ethiopia also reported having gone through similar experiences at home during the same period (Chart 2.1).

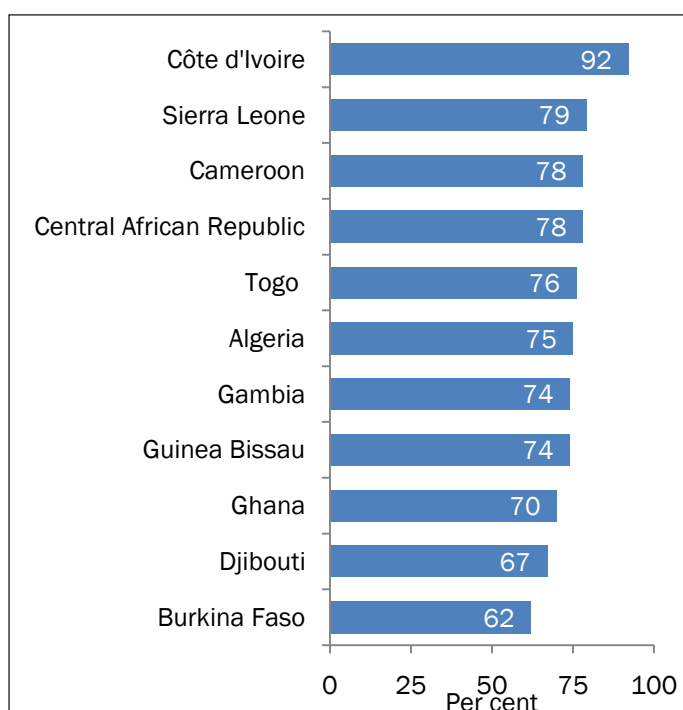
**Chart 2.1: Percentage of children (11-17 years) interviewed in five countries who experienced physical punishment at home, by country (2012)**



Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

ACPF studies on the prevalence of violent physical punishments in African homes are corroborated by a study of disciplinary practices within the home on children aged 2-14 years carried out by UNICEF (Chart 2.2). This global study, *Child Disciplinary Practices at Home: Evidence from a Range of Low and Middle Income Countries*, describes a number of examples from Africa. The findings of this study suggest that physical punishment within the home is higher among younger children.

**Chart 2.2: Percentage of children interviewed aged 2-14 who experienced physical punishment in the home**



Source: Based on data from UNICEF (2010).

## Perpetrators of physical punishment

The ACPF study also examined the profile of the perpetrators. Parents or close relatives were reported to be the main perpetrators. In Tanzania, for example, nearly 60 per cent of Tanzanian girls and boys who reported physical abuse were abused by a relative, with parents as the main perpetrators. The majority of females and males who reported physical violence experienced this violence by their fathers and mothers. The pattern between physical violence by fathers and mothers varied by the sex of the respondent, with the majority of females reporting physical violence by their mother (49.3%) and the majority of males reporting physical violence by their fathers (50.9%).

In Zimbabwe, parents were also more likely to perpetrate acts of physical violence on their children. Fifty-nine per cent of female children and 43 per cent of male children experienced physical violence that was perpetrated by their mothers. Females were more likely to experience physical violence perpetrated by their mothers. Conversely, males (46.3%) were more likely to experience physical violence perpetrated by their fathers than females (27.9%).

In Kenya, almost two-thirds of females and three-quarters of males reported experiencing physical violence prior to age of 18. Among those who reported experiencing physical violence by being punched, kicked, whipped or beaten with an object by a parent or adult relative prior to age 18, mothers and fathers were the most frequently mentioned perpetrators.

Mothers were cited as those most frequently practising physical punishment in the home, followed by fathers and older brothers. This is not surprising, given that women have the key role in child-rearing in most African communities.<sup>30</sup> Older brothers are also frequently reported to be perpetrators of physical punishment.

**Table 2.1: Perpetrators of physical punishment at home as reported by children**

Perpetrators	Uganda	Zambia	Ethiopia	Morocco	Mali
Mothers	37	40	28	58	30
Fathers	28	25	28	51	29
Older brothers	11	13	19	28	24
Grandparents	7	6	3	5	9
Older sisters	5	13	7	18	11
Other relatives	5	9	2	5	8
Other non-relatives (including maids)	5	5	3	1	9
Aunts	4	9	3	3	6
Step-parents	4	6	3	4	3
Uncles	4	8	4	6	12

Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

## Reasons given for physical punishment

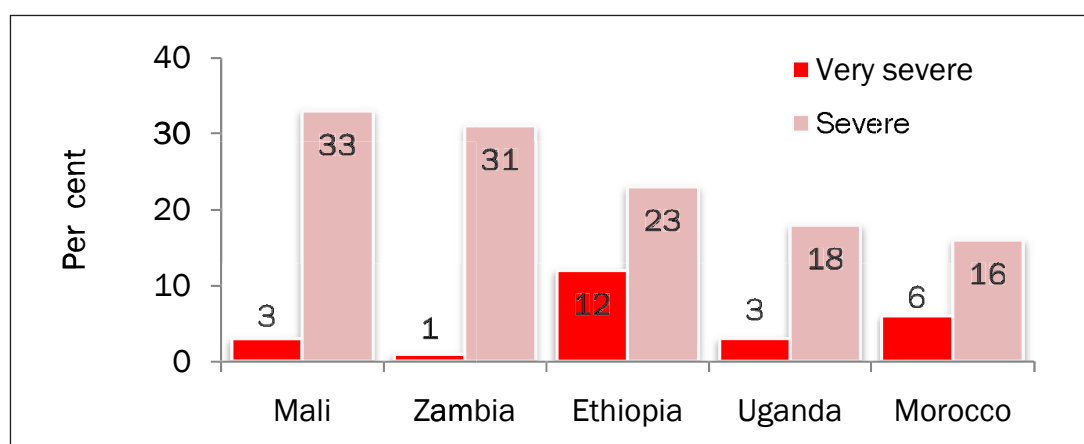
In response to the question ‘why did you beat, kick, whip, slap or tie up your child?, 68 per cent of those interviewed said they wanted to discipline the child, and 70 per cent said they wanted to correct the child for ‘wrongdoing’.

During focus group discussions in the ACPF studies, parents and guardians often stated that punishment was intended to ‘benefit’ or ‘save’ the child, prevent him or her from being spoiled, and help him or her become successful in life. However, around 20 per cent of parents or guardians admitted that they lost their temper and let out their frustrations on children. A very small percentage gave other reasons such as self-defence. The pattern of responses was similar for all five countries, reaffirming that the intention of physical punishment within the home is predominantly to discipline and correct behaviour deemed unacceptable.

## Severity and immediate impacts

The ACPF studies asked children about the severity of the punishment they experienced in the most recent episode. As shown in Chart 2.3, 12 per cent of children in Ethiopia and 6 per cent of those in Morocco said that this had been very severe. While these perceptions are subjective, they provide insights into the children’s own sense of their experience.

**Chart 2.3: Percentage of children interviewed who felt that the physical punishment they experienced at home was severe**



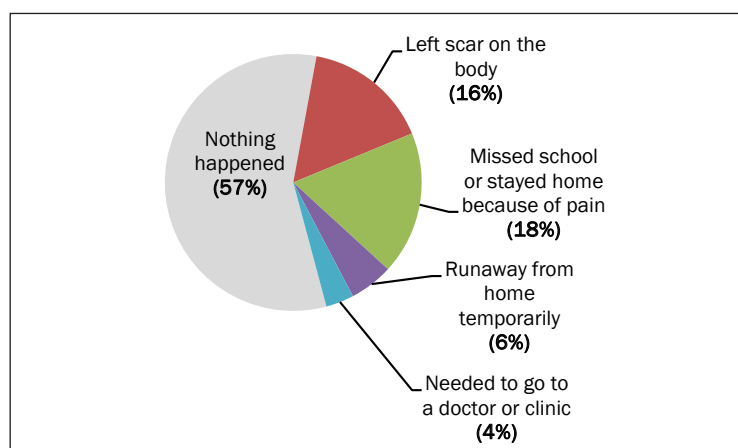
Source: Based on data from ACPF’s national studies on violence against children in selected countries in Africa (2012).

Children were also asked about the effects of the last punishment they received (Chart 2.4). On average, 57 per cent of children said that no major harm was inflicted on them as a result of the punishment. However, 16 per cent said the last episode left scars on their body, indicating severe harm. Furthermore, 20 per cent said that they could not go to school or play outside the home as they were in pain, and 4 per cent had to seek medical attention.

Some children reported running away temporarily as a result of severe punishment. Studies show that physical and emotional abuses at home are one of the main social factors causing children to resort to street life.<sup>31</sup>



**Chart 2.4: Reported consequences of violent disciplinary practices at home (average for five African countries)**



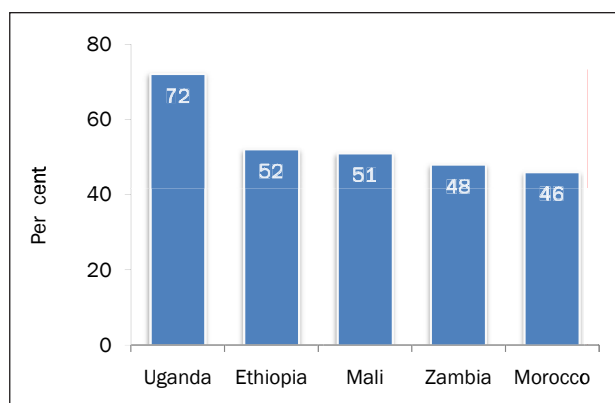
Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

Severe and frequent physical punishment often has lasting harmful consequences on children's healthy development and psycho-social behaviour. Parents who frequently beat their children as a punishment may damage both their minds and bodies and compromise their future as adults. Children who are anxious about being physically punished may be inhibited from exploring their physical and social worlds, and the development of their cognitive skills may be correspondingly impaired.<sup>32</sup>

### 2.2.2 In the wider community

African children are more likely to experience physical violence outside the home than within it. This may involve corporal punishment as a form of discipline used by teachers and by community members; studies reveal that neighbourhoods where children play and socialise are common settings for physical violence. Children may encounter violence on the way to and from school, and on the street. Girls may encounter physical and sexual violence while fetching water or collecting firewood. According to the ACPF studies, 70 per cent of children in Uganda and 50 per cent of children in Ethiopia, Mali and Zambia experienced physical violence outside their home at least once during 2012.

**Chart 2.5 Prevalence of physical violence within the community, based on interviews with children in five countries**



Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

Violence and exploitation against children within the community are widespread, with very negative impacts on their well-being. Furthermore, when communities accept violence against children, these attitudes and values are often internalised by children whose behaviour in turn may reflect this violence.

### 2.2.3 Corporal punishment in schools

Schools have a responsibility to protect children from violence, and the adults who oversee and work in schools are required to provide safe environments that support and promote children's dignity and development. The Convention on the Rights of the Child (CRC) calls on States Parties to ensure that school discipline is administered in a manner that is consistent with the child's human dignity and in conformity with the principles and provisions of the Convention.<sup>33</sup> Despite this, many children in Africa are exposed to sexual, physical and emotional violence within schools, reinforcing a culture of violence.

Corporal punishment is widely practiced in schools and is used as a form of punishment for those who come late, who do not pay attention in class and for those school children who are perceived as 'troublesome' or 'disobedient'.<sup>34</sup> Corporal punishment is sometimes applied without the child knowing why, hence undermining the learning process.

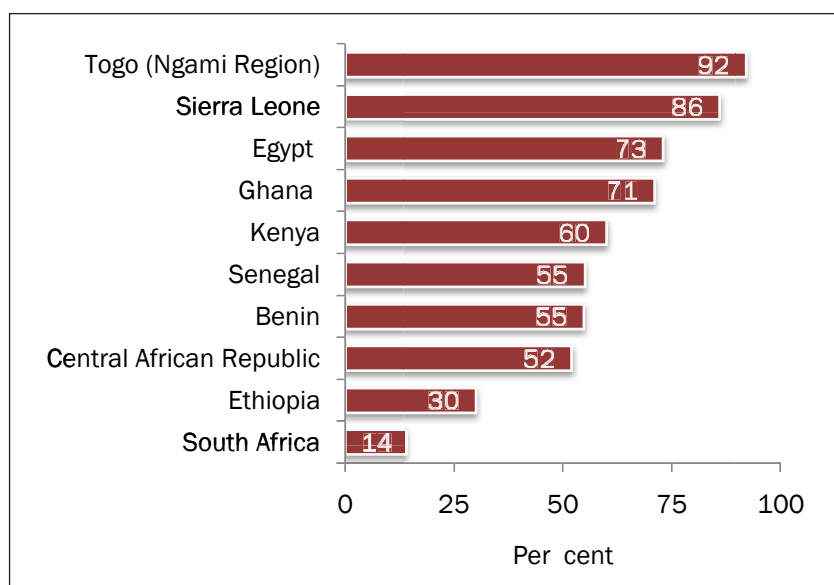
Factors associated with the use of corporal punishment include high student-teacher ratios, with teachers resorting to violence to control unruly classrooms or in response to underachievement.<sup>35</sup> This may also relate to the fact that teachers don't know alternative, non-violent means of disciplining. Forty per cent of children surveyed in Uganda who experienced physical violence outside the home were beaten by teachers. In Gambia, 30 per cent of teachers reported beating their pupils very often.<sup>36</sup>

Child Helpline International found that 80 per cent of calls received from child victims of physical violence in Egypt were reported from schools and perpetrated by a teacher or headmaster. In Zimbabwe, among those who were physically abused by an authority figure, 99 per cent of females and 95 per cent of males were physically abused by teachers. Almost 1 in 10 of the males was physically abused by the school Principal.

Over half of Tanzanian girls and boys who experienced physical abuse identified a teacher as the abuser. Of the children who experienced abuse at the hands of teachers, about 56 per cent of girls and 48 per cent of boys said that they had been physically abused by both male and female teachers. One third of girls reported physical violence by only male teachers, and 12 per cent reported physical violence by only female teachers. The frequency of abuse by teachers in Tanzania is alarmingly high: 78 per cent of girls and 67 per cent of boys who reported abuse by teachers said they had been punched, kicked, or whipped more than five times.

In Kenya, among females and males who reported being punched, kicked, whipped or beaten with an object by an authority figure prior to age 18, teachers accounted for 99 per cent of perpetrators reported by females and 96 per cent of perpetrators mentioned by males.

The prevalence of corporal punishment in schools for selected countries is shown in Chart 2.6. In South Africa, corporal punishment in school is explicitly prohibited by the South African Schools Act and may have contributed to its relatively lower level compared to other countries. In Togo, despite the fact that it is prohibited by law, corporal punishment is widely used in schools.

**Chart 2.6: Pupils' experience of corporal punishment in school**

Sources: ACPF and Plan International 2010; Global Initiative to End All Corporal Punishment of Children 2007

Corporal punishment is not limited to regular schools. It is prevalent in informal Koranic schools, or *Daraas*, attended by boys known as Talibés in Mauritania, Senegal and the Gambia. Children in *Daraas* face high risk of severe physical violence, psychological abuse and neglect. A recent study of Talibé children in Nouakchott, Mauritania, showed that 87 per cent are not given adequate food by their *Marabout* or masters and depend on begging to eat. Over half stated that they were beaten by the *Marabout*, mainly when they failed to generate enough money from begging, or when they failed to pronounce Koranic recitations properly.<sup>37</sup>

#### 2.2.4 Other violence in schools and the community

Peer-to-peer violence is also common both in school and in the wider community. One in five children interviewed in Uganda reported having been beaten by other children, in school or elsewhere. Children in Morocco reported neighbours, peers in the neighbourhood and 'unknown persons' as perpetrators of the physical violence they experienced in the 12 months prior to the survey (Table 2.2).

**Table 2.2: Perpetrators of physical violence in schools**

Perpetrators	Uganda	Zambia	Ethiopia	Mali	Morocco
Teacher(s)	40	35	33	25	19
Classmate(s)/class monitor	20	12	26	7	22
Peer(s) in the community	15	10	8	13	13
School director(s)	6	13	5	2	4
Peer(s) from the neighbourhood	5	2	11	13	18
Friends	4	5	1	14	17
Unknown person(s)	3	4	9	5	16

Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012)

Violence perpetrated by classmates may take various forms, such as repeated harassment of a weaker peer, including through hitting, kicking, stealing personal belongings, threatening and name calling, and through more indirect manifestations, such as malicious gossip or exclusion from groups.<sup>38</sup>

## 2.3 NEGLECT

Neglect or negligent treatment is another form of abuse with both physical and psychological dimensions. It is the least documented violation of child rights, in Africa and elsewhere.

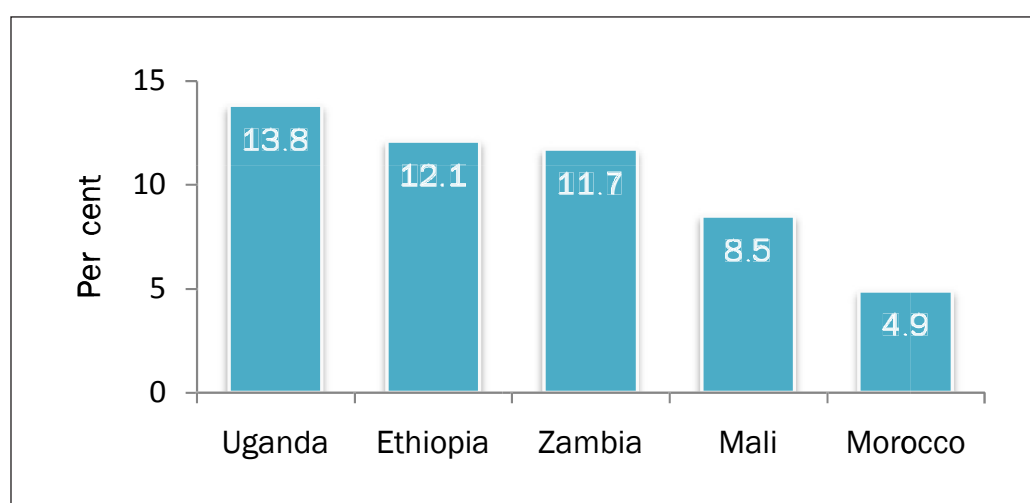
Negligent practices are mostly perpetrated within the home and in institutions. They imply a deliberate choice on the part of parents and caregivers to withhold basic necessities from children and fail to care for them adequately despite having the necessary means, knowledge and access to services (see CRC General Comment 13, paragraph 20). There are also cases where parents are unable to provide for the basic needs of their children due to poverty, deprivation or other issues beyond their control, but this form of neglect does not result from acts towards the child of deliberate commission or omission.

In the ACPF studies, three types of neglect or negligent treatment were included in the survey questionnaire:

- The child was not given enough food and drink when there was sufficient food and drink at home
- The child was forced to wear dirty and torn clothes, or clothes that were not warm when there were decent and warm clothes he or she could wear
- The child was not taken to a health facility when sick.

The findings from the ACPF studies are illustrated in Chart 2.7, and show that a significant proportion of children reported having experienced negligent treatment in terms of access to adequate food, drinks and clothing. Almost half (47%) of adults in a study in Uganda said they would withdraw basic needs from a child as a form of punishment.<sup>39</sup>

**Chart 2.7: Percentage of children in ACPF studies who reported negligent treatment**



Sources: Based on data from recent ACPF studies (2012); ACPF 2010.

## **2.4 SEXUAL VIOLENCE AGAINST CHILDREN**

A number of social and cultural factors underpin both the high prevalence of sexual violence in Africa and the degree to which it is accepted, especially against girls. These include the prevailing inequality in power relationships between men and women. In many African societies a culture of male dominance exists, which includes sexual entitlement. This culture and its implications are accepted within families, schools, policy-making and religious institutions.<sup>40</sup>

In some parts of Africa, men, and women, hold the belief that the male sex drive is uncontrollable, and that men need a great deal of sex and variety in their sexual partners.<sup>41</sup> This induces a certain degree of tolerance for the use of physical coercion in sexual relations, including rape.<sup>42</sup>

Children in Africa are generally expected to be obedient and respect adult decisions and instructions, and measures apparently taken to “protect” them, may place them, particularly girls, at greater risk. For example, girls may be withdrawn from school and expected to marry at an early age.

Addressing all forms of violence against children in Africa, including sexual violence, calls for responses that should explicitly take into account gender-based differences. Gender influences the way in which violence is perpetrated and the way it is experienced. The term ‘gender-based violence’ is often used to highlight the vulnerabilities of women and girls to various forms of violence in settings where they experience discrimination because they are female or because they do not meet the social expectations of how a woman or a girl should behave.<sup>43</sup> In addition to reducing gender inequality, addressing gender-based violence implies working with both boys and girls to shape attitudes on gender and overcome prejudice and preconceptions, as well as supporting victims to report incidents of violence.<sup>44</sup> Current public attitudes toward gender-based violence in Africa, however, continue to hamper efforts in this area.

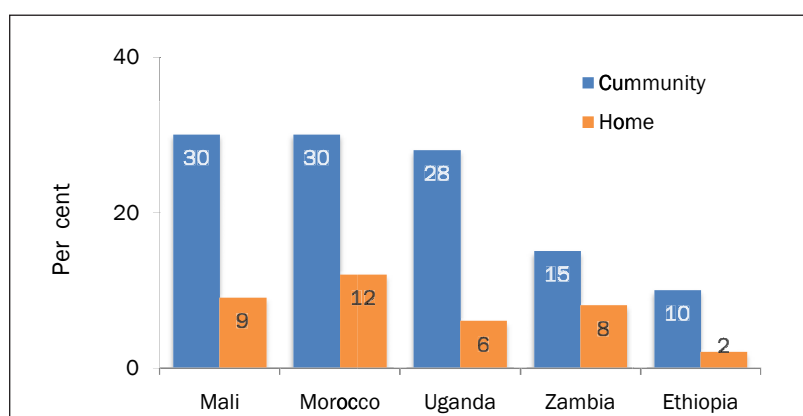
Demographic changes have also led to circumstances where children are more vulnerable to sexual predators. Rapid urbanisation, fuelled by the migration of families from areas of conflict or rural distress, has led to isolation of children from protective kin and social networks.<sup>45</sup> Children and young people living in cramped and poverty-stricken urban neighbourhoods are more exposed to ‘illicit’ sexual practices. As the internet becomes more widespread, young boys and girls become vulnerable to new influences and behaviours. These may include premature sex, risqué material, graphic sexual images, and exposure to pornographic material.<sup>46</sup>

Armed conflict has also aggravated children’s, especially girls’, vulnerability to sexual violence. In many conflicts in Africa, extreme sexual violence and rape has been used as a weapon of war. Gross violations of children’s rights have been reported from many countries experiencing war, including Central African Republic, DRC, Somalia, Sudan and Northern Uganda. Female refugees are especially vulnerable, experiencing beatings, rape, sexual molestation and threats. Rebel forces, including in Nigeria and Uganda, kidnap girls and keep them as cooks or sexual slaves. Such incidents promote a climate of impunity around sexual assault on both women and girls.

## The prevalence of sexual violence against children

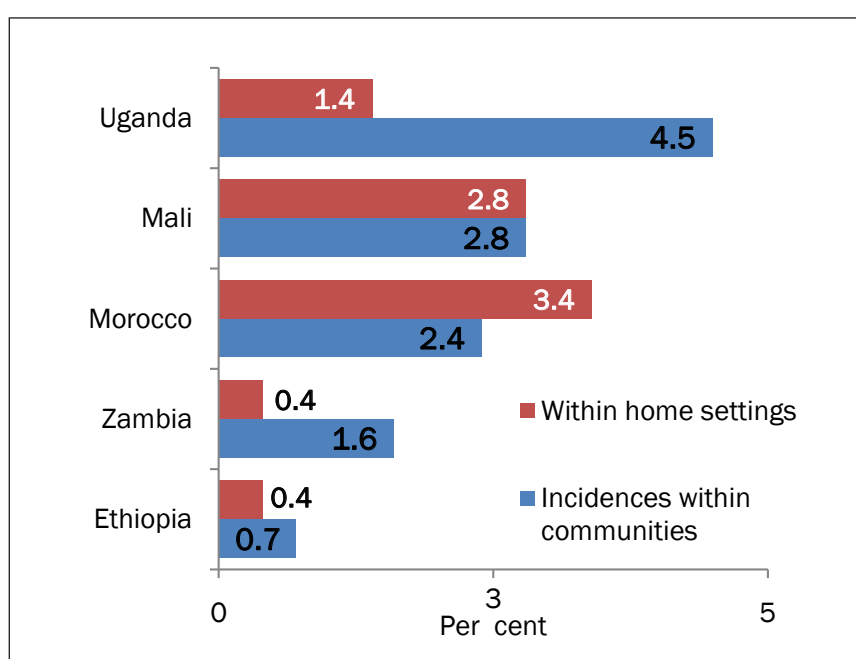
In the studies by ACPF, eight forms of sexual violence were examined. The studies differentiated between degrees of violence, ranging from being spoken to in a sexual manner to extreme forms such as forced sex or rape,

**Chart 2.8: Percentage of children who experienced at least one form of sexual violence**



Overall prevalence from the studies, comparing incidents of sexual violence in the home with those occurring outside the home (in the community, including schools) is shown in the following two charts, both derived from ACPF’s studies in selected countries in Africa (2012). The overwhelming majority of victims were girls. This correlates with many of the findings from the national surveys led by Governments with support from UNICEF and other donors. In the Tanzanian national survey, for example, 30 per cent of girls and young women aged 13 to 24 years reported having experienced at least one incident of sexual violence before turning 18. Among males in the same age group, 13.4 per cent reported experiencing at least one incident of sexual violence prior to the age of 18.

**Chart 2.9: Girls who experienced coerced sexual intercourse and rape**



### 2.4.1 Sexual violence in the home

The results from ACPF's studies suggest that certain forms of sexual violence, such as rape and forced sex, are rare within the child's own home. Other forms of sexual violence, such as unwanted touching perpetrated by close family members are more common. This occurs despite the fact that such practices are socially unacceptable and almost universally condemned in African societies.

Table 2.3 shows the prevalence of various forms of sexual violence against children within the home, by gender. Girls are at a higher risk of sexual violence than boys, but other studies show that boys are becoming more commonly targeted for sexual abuse. In South Africa, for example, around one in ten boys reported having experienced forced sex.<sup>47</sup> In the twelve months preceding the national survey in Tanzania for example, 6 per cent of boys aged 13 to 17 had experienced at least one incident of sexual violence.<sup>48</sup>

**Table 2.3: Reported cases of sexual violence within the home, ACPF studies**

Forms of sexual violence	Morocco		Mali		Uganda		Zambia		Ethiopia	
	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
Approached or spoken to in a sexual manner	8	6	7	2	3	1	3	3	1	1
Touched or pinched in sexual manner	5	3	4	2	2	2	5	2	2	0
Purposely exposed to private parts	4	5	2	2	2	1	1	1	0*	1
Forced to look at sexual acts or pornographic materials	0	2	4	1	2	2	2	3	1	1
Had sex with a member of the family	1	3	1	0*	1	0*	0*	1	0	0
Experienced forced sex or rape	3	0	2	0	2	0	0	1	0*	0*

\*Refers to a situation where the sample children did not mention the form of sexual violence and does not mean that these forms of violence are not perpetrated.

Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

### 2.4.2 Sexual violence in schools

Data on violence conducted in schools is subsumed under violence perpetrated in the community in the ACPF studies. While schools are an integral part of communities, they are places where children are directly under the authority of adults (teachers) whose task is to nurture and protect them. They are also settings where efforts to reduce sexual violence can be easily targeted through the educational system. There is thus, a strong case for exploring sexual violence in schools separately from that in the wider community.

It is widely recognised that sexual violence against children is widely practiced in schools. Many studies undertaken in Africa reinforce these findings. Such abuse may be perpetrated by pupils themselves, most often by older male pupils who abuse younger and weaker children and girls



in particular. In other cases, school staff – including teachers – are responsible for such abuses.<sup>49</sup> In sub-Saharan Africa, it is not uncommon to find teachers promising higher grades, supplies or reduced school fees in exchange for sex with girls. Teachers may even blackmail girls for sexual favours by, for example, threatening them with negative assessment of their school achievement or by refusing to issue them with a school certificate. In West and Central Africa, this has led to a reported practice of ‘sex for grades’.<sup>50</sup> In certain cases, this exploitation of pupils, especially girls, is exacerbated by low teaching salaries, growing class sizes and the sense among teachers, that they are undervalued.<sup>51</sup>

For this reason, schools are regarded by many parents as unsafe places for girls once they have reached puberty. Threat of sexual violation is a potent reason for parents not to allow their daughters to continue their education, and impacts negatively on female participation in secondary education. Rural parents in Senegal even perceive sending an adolescent daughter to school as equivalent to ‘abandoning her to wanton pregnancy’.<sup>52</sup>

Prevalence studies of sexual abuse and violence in schools reaffirm these kinds of perceptions of parents. In a study in Sierra Leone, nearly 66 per cent of schoolgirls reported having experienced at least one form of sexual violence at school, and 30 per cent of reported rape incidents took place in the context of schooling.<sup>53</sup> In Ghana’s schools, 83 per cent of pupils reported feeling unsafe.<sup>54</sup> In another Ghanaian study, verbal sexual harassment accounted for nearly half (50%) of sexual abuse incidents, while requests for sexual favours accounted for 46 per cent.<sup>55</sup> Over a quarter of children reported sexually motivated physical contact, while 15 per cent had actually experienced forced sexual intercourse. In Tanzania, approximately 1 in 10 girls reported that the perpetrator of at least one incident of sexual violence was a teacher.<sup>56</sup>

Sexual violence is often entrenched in school culture, being tolerated or ignored, and usually unreported. Studies in Kenya, Senegal and South Africa found that male teachers solicit sexual favours from girl pupils in exchange for grades, academic favours and money.<sup>57</sup> In Niger, 48 per cent of pupils observed that teachers expressed inappropriate feelings for pupils, and 88 per cent of teachers confirmed the existence of sexual acts between pupils and teachers at their school.<sup>58</sup>

In a study in Togo, many girls reported being victims of sexual abuse by teachers and male classmates. Fear of getting low grades was one of the factors triggering sexual contact between a girl and a teacher,<sup>59</sup> where a girl is coerced or cajoled into sexual relationship in exchange for better grades (Box 2.4).<sup>60</sup> Some teachers inappropriately blame the girls themselves, as shown by the following words of a female teacher in Freetown, Sierra Leone:

*Violence against girls is on the increase in this school, particularly when one of these male teachers and senior boys cannot keep their zipper closed. But you see again my brother, blame the teachers but ah! The girls dress recklessly when they come for extra lessons.*<sup>61</sup>

### 2.4.3 In the wider community

When children are neither at home nor in school, they are not in the charge of someone whose role towards them includes their protection, including from sexual harm, and they are therefore more vulnerable. In all the ACPF countries studied, with the exception of Morocco, extreme forms of sexual violence (coerced sexual intercourse and rape) are more frequent occurrences outside the child’s own home, where they are generally perpetrated by teen-age boys and affluent men in the community.



As shown in Table 2.4, inappropriate comments and touching and pinching in a sexual manner were higher among children in Uganda and Mali. Over a quarter of girls surveyed in Morocco reported having experienced indecent comments and inappropriate advances.

**Table 2.4: Reported cases of sexual violence within the community, ACPF studies**

Forms of sexual violence	Uganda		Mali		Morocco		Zambia		Ethiopia	
	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
Received sexual comments	35	11	28	9	26	14	16	8	9	3
Touched or pitched in sexual manner	13	7	13	8	11	7	8	3	8	3
Purposely exposed to private parts	5	4	4	5	3	11	1	1	1	1
Forced to look at sexual acts or pornographic materials	7	5	12	14	2	3	5	2	1	3
Experienced a coerced sex in exchange for food, gift, grade, etc.	4	0	2	1	1	2	1	1	1	1
Experienced forced sex or rape	1	0*	1	0	2	1	0	1	0*	0*

\*Refers to a situation where the sample children did not mention the form of sexual violence and does not mean that these forms of violence are not perpetrated in the country.

Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

Many children and young people experience sexual abuse or violence while en route to and from school, including on buses or at recreational areas. A 2010 survey in Kenya found that girls aged 13 to 17 who experienced at least one incident of sexual violence in the 12 months before the survey, the most common location of these incidents took place when girls were travelling on foot (46%). In the same study, schools were found to be the second most common location where sexual abuse took place.<sup>62</sup> In Zimbabwe, 20 percent of females experienced their first incident of sexual violence while travelling to or from school.<sup>63</sup> In Tanzania, incidents of sexual violence against both girls and boys most commonly took place at school or en route to and from school. For girls, 15.1 per cent reported that at least one incident of sexual violence occurred at school or on school grounds and 23 per cent reported an incident occurred while travelling to or from school. For boys, 13.3 per cent reported that at least one incident of sexual violence occurred at school or on school grounds and 15.3 per cent reported that the incident occurred going to or from school.<sup>64</sup>

Other studies reaffirm the findings of the ACPF studies that the more extreme forms of sexual violence occur more frequently outside the child's own home. In Tanzania, experiences of physically forced<sup>8</sup> or coerced sex<sup>9</sup> more commonly occurred outside the victim's home. In fact 75 per cent

<sup>8</sup> **Physically Forced Intercourse:** a perpetrator physically forced the respondent to have sexual intercourse against his or her will.

<sup>9</sup> **Coerced intercourse:** a perpetrator pressured or non-physically forced the respondent to have sexual intercourse against his or her will. For instance, the respondent had unwanted sexual intercourse because he or she felt overwhelmed by continual arguments and pressure

who reported coerced sex indicated that at least one incident occurred at someone's house, most commonly the perpetrator's home.<sup>65</sup> Neighbours and strangers were most frequently the perpetrators of sexual violence against both females (32.2% and 32.0, respectively) and males (16.6% and 25.7%, respectively).

In Zimbabwe, the national survey shows that about three quarters (77.7 %) of the females and a quarter (26.7%) of the males reported that their first incident of sexual violence was perpetrated by a boyfriend or girlfriend, that is, someone they were in a relationship with. Neighbours were cited by 10 per cent of females and 33 per cent of males as the perpetrators of the first incident of sexual violence.

In Kenya, nearly half of all perpetrators of the first incident of childhood sexual violence were romantic partners (47.3% among females and 42.7% among males) followed by neighbours (27.4% among females and 21.1% among males) and family members (15.3% among females and 11.5% among males). For both females and males, relatively few perpetrators were strangers (5.9% and 5.6%, respectively).

Almost half of the victims did not tell anyone about the abuse they experienced<sup>66</sup> partly because the perpetrators were known by or were close to the children. A 2007 study in Swaziland showed that among the incidents of sexual violence children faced prior to turning age 18, 32.9 per cent occurred in the girls own home, 22.8 per cent occurred in the house of a friend, relative or neighbor, 19.1 per cent occurred in a public area (a field or open area of land), 10 per cent occurred in a school building or on school ground and 9.5 per cent occurred on the way to or from school.<sup>67</sup>

Poverty has led to an increase in the likelihood of girls engaging in sex to gain money or favours, in some cases leading to employment in the commercial sex industry.<sup>68</sup> A study in Tanzania revealed that 4 per cent of females aged 13 to 17 reported received money or goods in exchange for sex at least once in their lifetime.<sup>69</sup>

Girls, especially those living in urban centres, are vulnerable to sexually-abusive relationships with older men – often middle-aged and well-off – referred to as 'sugar daddies'. Such men are willing to give protection and employment, as well as money for food, shelter and school fees, or gifts in exchange for privileged sexual services.<sup>70</sup> Girls who are on their way to and from school may be entrapped by sugar daddies; in one study of school-related gender-based violence in Sierra Leone, 'sugar daddies' contributed to 15 per cent of all the cases, and were second only to teachers as perpetrators of sexual abuse.<sup>71</sup>

#### **2.4.4 Emerging forms of sexual violence against children in Africa**

Some forms of sexual violence and exploitation, such as child sex tourism, are increasing in Africa. Lack of laws and law enforcement, corruption, apathy and the prevalence of adult sex tourism have contributed to the proliferation of child sex tourism at tourist destinations. Tourism itself is not the cause of child exploitation; but the context of tourist destinations, together with an associated increase in demand for sexual services, can create an unsafe environment for vulnerable children.<sup>72</sup> Child sex tourism is often practiced by sexual offenders seeking to evade stringent laws in their own countries by travelling to places where the laws are less stringent or unenforced. African destinations are replacing Asian counterparts as the latter have become more heavily regulated as a result of dedicated public campaigning.<sup>73</sup>

ECPAT International characterizes Kenya, Senegal, Morocco and South Africa as emerging African hotspots for child sex tourism. Ethiopia is recently also becoming a favourite destination. In Kenya, for example, 10,000–15,000 girls are involved in sex work related to the tourism industry, with more than 45 per cent of these girls aged just 12 or 13.<sup>74</sup> There are reports in Nigeria of recruitment and transportation of adolescent girls between the ages of 15-18 from one part of the country to another, or within the same city, for sexual entertainment of wealthy men or visiting officials from both public and private sectors.<sup>75</sup>

## Cyberspace and sexual violence

The globalisation of communications and increased access to the worldwide web has also led to an increase in virtual forms of sexual abuse such as child pornography, sexually exploitative representations of children and exposure of children to graphic and violent sexual imagery (see Box 2.2). The internet has also provided a marketing channel for the child sex tourism industry. Websites provide potential sex tourists with pornographic material.<sup>76</sup> Popular social networking sites such as Facebook and MySpace have also provided a virtual space in which sex tourism can proliferate.

ECPAT International's research into children's use of ICT (information and communications technology) in Cameroon, The Gambia, Kenya, Togo and Uganda gives insight into their vulnerabilities. The study showed that African children are increasingly accessing the web at home, and in schools and public spaces, but that their safety online is not protected. There is insufficient appreciation by parents, teachers and cybercafé operators of the risks they face in relation to sexual exploitation. The problem is exacerbated by the fact that, while countries such as Kenya have invested heavily in ICT and its use, measures to monitor and control child online access to adult websites have not been introduced.

### Box 2.2: The emerging phenomena of violence against children in cyberspace

A 2013 study by ECPAT International revealed the following areas of concern among African children:

#### a) Engagement in risky behaviour

- Nearly half the children had accessed adult pornography online. This was highest in Kenya (55%), followed by Uganda (49%). The proportion rose with age and is more prominent among boys than girls. However, percentages were high for 11-13-year-olds in Uganda of both sexes, and all the girls from the 17-18 age groups in Cameroon had viewed such content. Fifty four per cent of respondents had seen someone of their age represented in pornographic materials (80% of 11-13-year-old boys).
- 10 per cent had been approached by online contacts asking them for sexualised images of themselves.
- A very low percentage of children (3%) said that they actually shared such images, but most of these were among the younger categories (11-13 year-old boys from Kenya and girls from Uganda of the same age group).

Continued to next page ...

## Box 2.2: The emerging phenomena of violence against children in cyberspace

### b) Impact on the children

- The highest percentage of online incidents causing discomfort to children occurred through emails (23%), followed by those that happened with social network platforms (22%) and messenger programmes (17%). A considerably smaller portion took place in online chat rooms. Among the children who experienced uncomfortable encounters online, 37% said that they were very upset by the incident. The 11-13-year-old boys from Kenya were the most distressed among all surveyed groups.

### c) Cybercafé policies

- Cybercafés are by far the most common location in which surveyed children access the Internet. Only about 40% of cybercafé owners and managers consider themselves knowledgeable about the risks posed to children when going online.
- Children reported having seen pornography at the cybercafé at late hours, particularly in Kenya (30%) and Uganda (29%).

Source: End Child Prostitutions And Trafficking (ECPAT) International (2013)<sup>77</sup>

The prevalence of sexual violence stated in this section, though high it might appear, could still be higher as current estimates rely on reported cases, which might leave out numerous cases unreported due to social and cultural taboos, associated especially with sex, fear of reprisals and shame. Insufficiency of child sensitive complaints/reporting mechanisms and child sensitive judicial procedures coupled with lack of confidence in the justice system, often accused of corruption and impunity, contribute to the underestimation of cases. This is also exacerbated by the lack of awareness of laws among children and communities and the inadequacy of some legislative frameworks to clearly define and criminalise all offences committed against children.

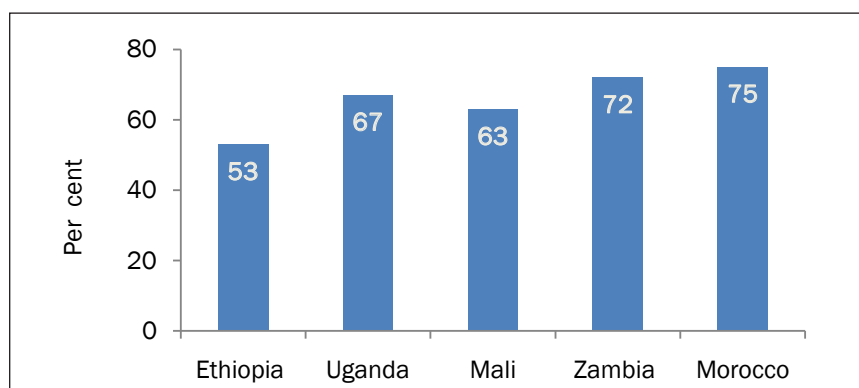
## 2.5 MENTAL, PSYCHOLOGICAL AND EMOTIONAL VIOLENCE

Only recently has mental, psychological and emotional abuse come to be understood as a distinct form of violence.<sup>78</sup> In much of Africa, non-physical violence where injury is not visible, such as neglect or negligent treatment, cruelty, harassment and verbal abuse, are still not recognized as violence. Even victims may not complain or seek help: in a study in Kenya, 18 per cent of female and 34 per cent of male respondents who experienced mental violence prior to age 18 did not think it was a problem.<sup>79</sup> As a result, non-physical forms of violence are not well-documented, nor are they reported in State Party reports to either the African Committee of Experts on the Rights and Welfare of the Child or to the UN Committee on the Rights of the Child.

However, many forms of mental violence, ranging from insults and name-calling to bullying and threats, can have profound effects on children, leading, in some cases, to suicide. Child victims of mental violence may experience a greater degree of trauma from ongoing abuse than from physical assaults. The long-term effects of emotional abuse and psychological maltreatment of children include chronic trauma, and the continuation of fear long after the threat has subsided.<sup>80</sup>

### 2.5.1 In the home, school and community

According to the ACPF studies, a high percentage of children are exposed to mental violence of one kind or another in both the home and community. The prevalence of these types of abuse ranges from 53 per cent among children surveyed in Ethiopia to as high as 75 per cent and 72 per cent in Morocco and Zambia, respectively.

**Chart 2.10: Prevalence of mental violence within the family, ACPF studies**

Source: Based on data from ACPF's national studies on violence against children in selected countries in Africa (2012).

In Kenya, about one-quarter of females and one-third of males aged 18 to 24 years reported experiences of emotional violence during childhood, or prior to age 18 (25.8% and 31.9%, respectively). The most prevalent type of emotional violence experienced prior to age 18 was being humiliated on purpose by an adult in front of others (18.2% females and 24.5% males), followed by feeling unwanted by an adult (14.0% females and 14.7% males). Of females aged 18-24 years, 5.5 per cent reported that they were threatened with abandonment by an adult prior to age 18 as compared to 8.6 per cent of males reporting the same.<sup>81</sup> Those who experienced humiliation attributed it to neighbours, teachers and parents. In the case of feeling unwanted or being threatened with abandonment, family members were the most common perpetrators.

In Tanzania, for example almost one-quarter of females (23.6%) and nearly 3 out of every 10 males (27.5%) aged 13 to 24 years reported experiences of emotional violence during childhood. The most prevalent form of emotional violence experienced during childhood was being called bad names (17.7% females and 21.6% males) followed by feeling unwanted (8.7% females and 7.4% males). While being called bad names can be considered a less severe form of emotional violence, between 4 per cent and 5 per cent of females and males aged 13 to 24 years reported that they were threatened with abandonment by an adult or dating partner prior to turning 18 years of age.

In Swaziland, 29.5 per cent females 13-24 years old reported that they experienced emotional abuse by adult prior to age 18. Among 13-17 years old females the prevalence of emotional abuse by an adult prior to age 18 was 33 per cent as compared to 26 per cent among those 18-24 years old.

In a three-country study into the experience of violence in schools, the two most common forms of mental abuse were threats and insults. One third to half of girls in Mozambique and Kenya and 92 per cent girls in Ghana reported being insulted in school.<sup>82</sup> Prevalence differed significantly: pupils in Ghana were twice as likely to experience psychological abuse as those in Kenya or Mozambique; girls were at a higher risk of mental violence than boys.

**Table 2.5: School children who experienced mental violence in schools**

Type of violence	Mozambique		Kenya		Ghana	
	Girls	Boys	Girls	Boys	Girls	Boys
Insults	40	32	40	46	81	92
Threats	15	12	25	25	51	50

Source: Based on data from Parkes and Heslop (2011).

A study in Nigeria revealed that about 50 per cent of pupils in both primary schools and junior secondary school had experienced mental violence, mostly perpetrated by teachers and head teachers.<sup>83</sup>

## 2.6 CULTURAL PRACTICES INVOLVING VIOLENCE

Often under the sanction of culture and religion, certain African traditional practices, especially those associated with guiding the transition from childhood to adulthood, can expose children to physical, psychological and emotional harm. The International NGO Council on Violence against Children identified more than 35 harmful practices, including practices such as female genital cutting, scraping of tonsils, uvula cutting, abduction and breast ironing.<sup>84</sup> While social mobilisation campaigns may have contributed to a decline in harmful practices or in the harmful components of traditional ceremonies, they continue to be widely practised in many African communities.

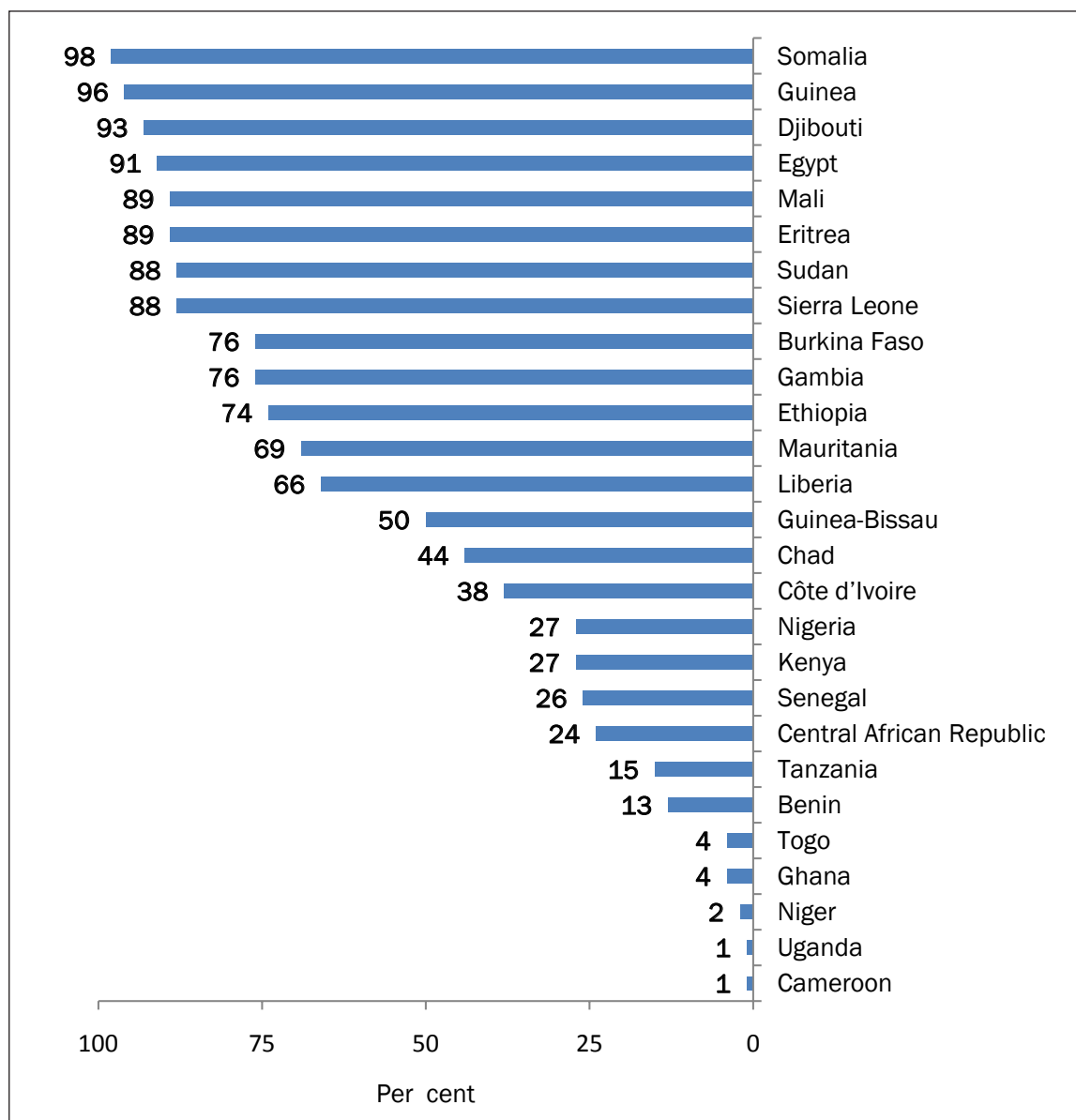
### 2.6.1 Female genital mutilation/cutting

Female genital mutilation or cutting (FGM/C) is prevalent in about 27 African countries.<sup>85</sup> The practice contains a number of diverse traditional rituals that may involve surgical removal of parts or all of the most sensitive female genital organs.<sup>86</sup> In some societies, the practice is perceived as part of girls' and women's cultural gender identity, ensuring status, family honour and marriageability. Reasons cited for maintaining the practice include religion, custom, preserving female chastity and fidelity, protecting her from excessive sexual emotions, hygiene, aesthetics and fertility-related issues.<sup>87</sup> The practice violates the girls' rights to protection from violence, dignity, privacy and bodily integrity, among others.<sup>88</sup>

A growing number of countries have promoted important initiatives to enhance understanding and concern about the serious physical, psychological and social implications of this harmful practice and to examine the factors behind its perpetuation, and they are promoting support to communities in their efforts and commitment to abandon this practice.

However, each year, three million girls are at risk of FGM/C in Africa. The nature of the practice and the degree of cutting, the age and circumstances in which it occurs, the reasons given for the practice, and the level of trained medical involvement, varies widely from country to country. The prevalence of FGM/C practice also varies across African countries (see Table 2.11). In some countries in the Horn of Africa such as Somalia, where an extreme form is practised usually at a young age, prevalence is nearly universal; in nine other countries, it is well over 75 per cent. While Somalia and Guinea have the highest prevalence of FGM/C in Africa, Egypt and Ethiopia contribute the largest absolute number of girls and women who have undergone cutting.<sup>89</sup>

Chart 2.11: Prevalence of FGM/C by country



Source: UNICEF (2013)[i] Based on DHS, MICS and other national surveys, 1997-2011.

FGM/C, especially in its more severe forms, not only inflicts extreme pain during the procedure, but there is a high risk of haemorrhage. The likelihood of infection is exacerbated where the operation is performed in unsanitary conditions. In a typical rural setting, the practitioner is a traditional circumciser, using an unclean razor blade. On the other hand, where medical professionals undertake the operation using an anaesthetic, more of the genital area may be cut away.

### Beliefs surrounding FGM/C

FGM/C is underpinned by different cultural justifications in different societies. In Mali, for example, there is a belief that uncircumcised women and girls are likely to be generally sexually overactive and will be unable to control their libidos.<sup>91</sup> Thus, the practice is expected to protect women and girls, saving them from temptation, suspicion and disgrace, while preserving her chastity.<sup>92</sup>



In other contexts, for example in some Sudanese communities, FGM/C is said to liberate a woman's body by removing ugly and 'masculine' properties (the clitoris) and making the genitalia more beautiful.<sup>93</sup> A related belief is that of conferring purity on the woman. In a study by ACPF in Senegal, emphasis was given by women themselves to the quality of purity it conferred on themselves and their daughters, and its religious sanction.<sup>94</sup> The use of the term *tahir* (meaning 'purity') in association with FGM/C in Sudan and the North African countries illustrates how widespread is the belief in its value for women.<sup>95</sup>

In some societies, health-related justifications are given for genital cutting, such as among some communities in Benin, where it is widely believed that a woman who is not circumcised would face difficulties during birth as the clitoris obstructs passage, threatening the life of the baby.<sup>96</sup> In reality, all the medical consequences of FGM/C, for especially for childbearing, are negative. The partial or near-complete closing up of the entrance to the birth passage in some forms leads to obstetric complications, including obstruction, and can lead to stillbirth and infertility.

In many communities where FGM/C is practised, it may be a pre-requisite for marriage. If the bride is not circumcised, the bride-price may not be paid and the parents may be unable to find a husband for the girl. The practitioners of FGM/C also have an economic incentive in perpetuating the practice as they earn part of their living from it.<sup>97</sup> Thus the negative implications for girls and women based on actual evidence need reinforcement by educationalists and campaigners.

## 2.6.2 Other cultural practices involving violence

Other customs causing severe physical harm practised in some settings include facial scarring, ironing of the breasts to reduce sexual attraction, and imposing beatings on girls as part of ritual ceremonies associated with betrothal or marriage. Wider awareness of the damage caused by certain practices, many of which remained invisible or ignored for too long, has led to more attention being focused on them in recent years. In particular, the practice of marrying girls off at an early age, well before they can give informed consent to the choice of partner, is known to be associated with raised levels of domestic violence.<sup>98</sup>

### Child and forced marriage

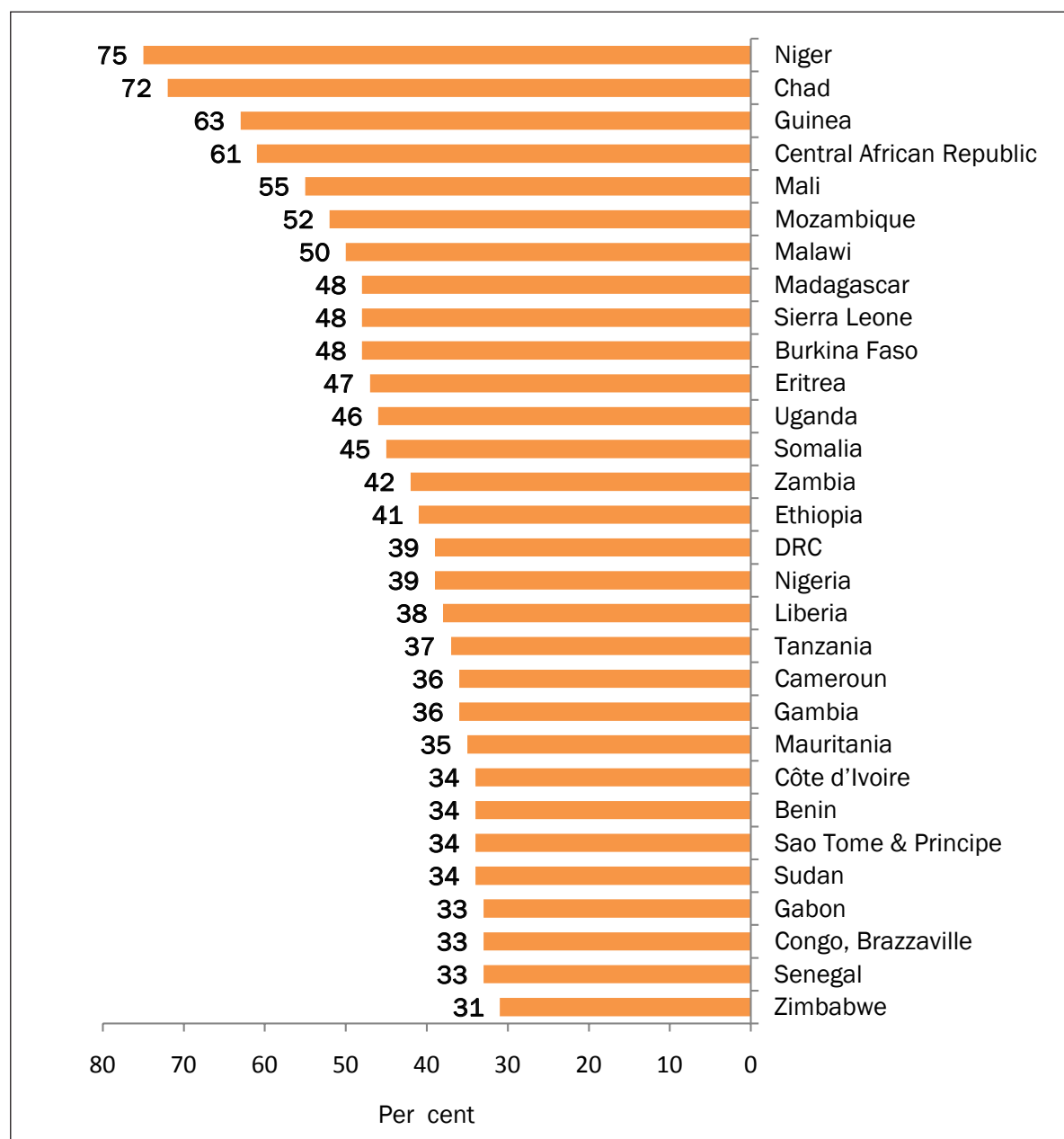
Every year around the world, 14 million girls are married off before they turn 18. Of the 41 countries world-wide with prevalence rates of 30 per cent or more, 30 are in Africa (see Chart 2.12). Thirty-nine per cent of girls in sub-Saharan Africa are married before their 18<sup>th</sup> birthday; 13 per cent are married by their 15<sup>th</sup> birthday.<sup>99</sup> Child marriage has lasting and damaging consequences on the health, education and well-being of girls, and compromises their right to take part in informed decisions.<sup>100</sup> Forced marriage occurs when the consent of the child is neither sought nor considered by the families or communities that arrange such marriages.

In Gambia it is estimated that between 2000 and 2010, there were 321,409 cases of child marriage – 36 per cent of the total number of marriages recorded. In Zimbabwe it was reported that approximately 25 per cent of girls were forced to marry before they reached the age of 18. In Kenya 427 cases of early marriage was reported to the Children's Services Department in 2011, but an estimate by Plan International has suggested as many as 43.3 per cent of females and 11.6 per cent of males are married as children.<sup>101</sup> Girls married at early age are particularly likely to experience domestic violence at



the hands of their (older) spouses, are likely to be less educated, and have more children.<sup>102</sup> Data from Ethiopia shows that only 27 per cent of girls continued schooling after early marriage, demonstrating how the practice affects the education of girls and diminishes their employment opportunities.<sup>103</sup>

Chart 2.12: Prevalence of child marriage by country



Source: UNFPA database using household surveys (DHS and MICS) completed during the period 2000-2011.

Child marriage is also likely to result in higher maternal mortality including reproductive health complications, such as fistula. For instance, in Liberia infant mortality is 122 per 1,000 live births where the mother is aged below 20 years, compared to 80 per 1,000 among mothers aged 20-29 years.<sup>104</sup>

In most cases, the nature of these harmful traditional practices is a reflection of the power exercised by men in the society, and the idea that girls and women are obligated to comply with sexual and other domestic roles assigned to them. Adult women are usually complicit as they see such roles as established by a natural or divine order. Examples of extremely negative practices include *trokosi* in Ghana, whereby young girls are offered to a traditional fetish shrine, and become the sexual property of the priest. Similar practices exist in Zimbabwe and elsewhere.<sup>105</sup>

Other harmful practises that are increasing include accusations of witchcraft against children. The phenomenon is relatively recent, and has developed as a response to extreme deprivation and stress in expanding urban slums. The misery experienced by these populations is ascribed, by religious preachers, to their children being possessed by “evil spirits”. These children are often subjected to pain, deprivation, and psychological torture under the pretext of exorcism, and often in reward for payment.<sup>106</sup>

Other extreme cases of violence against children include sacrifice for supernatural or ritualistic ends. Body parts of children may be taken for use in traditional medicine and witchcraft. A study in Uganda, Mozambique and South Africa indicated that mutilations to remove body parts occur, on average, to one child every week. This practice is referred to as ‘medicine murder’ or ‘*Muti murder*’, and can involve the removal of eyes, lips, genitalia, nipples, heads, feet and hands.<sup>107</sup> In some communities the practice of infanticide also occurs when children are born with a physical deformity. There is limited information on the extent to which these practices are re-emerging in communities experiencing social and economic stress.

# 3

## VIOLENCE AGAINST VULNERABLE CHILDREN

*'I tried to fight him, but I do not have strong feet due to the polio. He raped me... I was not able to attend school since then.'* 12-year-old, Sierra Leone

*'I was hated because I was deaf. My mother used to beat me so much. My brothers tell me "you are very stupid. We are not going to give you food".'* 16-year-old hearing-impaired boy, Uganda

### 3.1 SPECIAL VULNERABILITY: AN OVERVIEW

Due to a range of vulnerability factors including socio-economic stress, lack of adequate parental care or complete abandonment, disability, stigma, and lack of special protection services, some children experience violence in a more sustained and damaging way than others. These include girls, children with disabilities, children growing up in poverty, children living and/or working on the street, indigenous children and children belonging to minorities. Where children are especially young and/or female, the risk of harm is exacerbated. Children who are especially vulnerable face multiple risks of exposure to violence.

There is generally little data about the extent of violence committed against especially vulnerable children. Owing to the nature of their predicament, many of them do not have parents, siblings or carers to report violence on their behalf, and many are too young, ill-equipped, and fearful of the authorities to report it themselves; this is especially the case for those with mental disabilities. Where reporting systems are in place, they are most unlikely to be used by children without adult carers to assist and encourage them.

In this report, the respective situations of four groups of especially vulnerable children are considered more comprehensively. These children are all subject to discrimination in Africa, and this discrimination is more profound where – as is commonly the case – the children come from less-educated and economically poorer populations. These groups are children living or working on the streets, children (mostly orphans and abandoned children) in residential care, children living in other people's homes to perform domestic work, and children with disabilities. Many children in these groups are forced to internalise violence as an integral part of their lives. The findings by ACPF correlate with the Office of the Special Representative of the Secretary-General on Violence against Children 2013 Global Survey on Violence against Children which confirmed that the most vulnerable children are those at greatest risk of violence: those with disabilities, those who migrate, those who are confined to institutions, and those whose poverty and social exclusion expose them to deprivation, neglect and, at times, to the inherent dangers of life on the streets.<sup>108</sup> More information is needed on the experience of violence for these children, as they largely lack the protection to which they are entitled, and data and research often fail to capture the magnitude of the violence they experience and its impact on the enjoyment of their rights.<sup>109</sup>

### 3.2 CHILDREN LIVING OR WORKING ON THE STREET

Many factors contribute to children resorting to living and working on the street. These include population displacement due to war or economic crisis, leading to migration from the countryside; family breakdown, abandonment, loss of parents to HIV/AIDS or other causes.

In urban situations, where the cost of living is high, there is an expectation that children will contribute to family income. Some children run away from homes where they experience abuse. In ACPF studies, 6 per cent of children had run away from home to the street, but returned after the intervention of family members and neighbours.

Street children, whether or not they have a place to return to at night, are obliged to earn an income. Sources of income include selling bottled water, snacks, newspapers; shining shoes, running errands in the market, and helping taxi operators collect fares. Street children face danger from gangs and competitors, and need to be street-smart to survive (Box 3.1).

### Box 3.1: Struggling for a livelihood on the street in the face of abuse and exploitation

In Ethiopia, shoe-shining is commonly undertaken by children on the street. One such child in the town of Awassa is Lebu, aged 14, who lives with his older brother Gezu (16) and a younger sister. These siblings lost both their parents to HIV/AIDS; since they have no other relatives to support them, they support themselves by working.

Gezu earns a small income as a daily labourer, while Lebu shines shoes. Lebu is frequently denied payment by customers or is forced to pay rent for the space in which he works. Sometimes his entire day's earnings are stolen from him by street gangsters who threaten to beat him up.

Source: Tsegaye, S. (2008). *The Lives of Children Heading Families: Stories As Told to ShimelisTsegaye*.<sup>110</sup>

Some forms of street life are underpinned by complex religious and cultural factors, as in the case of the *Talibés* of Senegal (Box 3.2).

### Box 3.2: Forced to beg and begging to learn: the plight of the *Talibés* in Senegal

*Talibé* children, some as young as five years old, are a common sight in Senegal's urban centres. Some estimates put the total number of *Talibés* in Senegal at 50,000. Barefoot and wearing rags, they spend long hours begging at tourist sites, religious places or in congested traffic-jams.

These are children placed under the custody of Koranic masters in schools called *daaras*. The *Talibés* suffer from violence in the street, physical and emotional abuse by their Koranic masters, and economic exploitation.

*Talibés'* parents cannot afford to pay for their children's Koranic education. These schools do not charge for studies, meals or accommodation. Instead, they force children to beg on the street for food and to meet a daily financial 'quota'. Failure to beg results in punishment, beatings and abuse from their masters.

The Senegalese government has embarked upon the establishment of 'modern *Daaras*' financed primarily by charitable contributions where fees are paid by parents. These teach the Koran to both boys and girls, but also offer schooling in Arabic and French.

Source: Anti-Slavery International *Time for Change: A Call for urgent action to end the forced child begging of talibés in Senegal*. London, 2011.<sup>111</sup>

### 3.2.1 Stigmatisation of street children and mental violence

Violence committed against children living on the street is underpinned by negative attitudes towards them. These children, mainly boys aged 13 years and upward who are orphaned or abandoned, are typically unclean and unkempt. They face hostility from the public, shopkeepers and police, and are stereotyped as engaging in substance abuse, early sexual activity, and delinquency.<sup>112</sup> The stigmatisation they face is evident in the words used to describe them (Box 3.3).

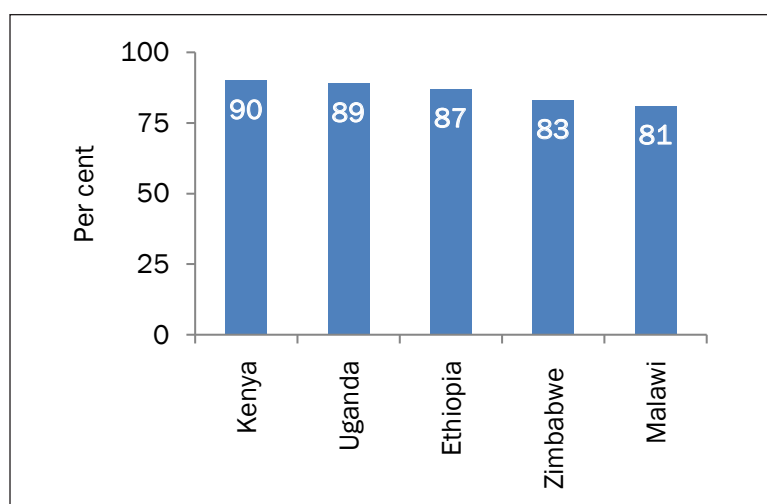
#### Box 3.3: Names used to describe street children

In Rwanda, the word *mayibobos* is used to refer to children living on street, which in the Kinyarwandan language harbours connotations of ‘filth’, ‘drug use’, ‘criminality’, and ‘aggressive behaviour’. In Egypt a child living on the street is a *sewas*, an Arabic word for a small insect that destroys crops. *Chokora* or ‘scavengers’ is used in Kenya; and *duriye*, literally translated as ‘vagrant’ or ‘someone who is wild’ is used in Ethiopia to describe both street children and those who are not wellmannered. The phrase *ye godanalijoch* is also used, which means ‘children of the street’, but which harbours deeply derogatory and de-personalizing meaning.

Sources: Rwanda’s Lasting Wounds, HRW 2003<sup>113</sup>; N Hussein, *Street Children in Egypt*, Cairo, 2005<sup>114</sup>, UNOCHA, *Youth in Crisis*, Geneva, 2007<sup>115</sup>;

Their negative reputation leads to a high prevalence of mental and psychological violence against children living or working in the street. As shown in Chart 3.2, more than 80 per cent of children living or working on the street surveyed in Ethiopia, Kenya, Malawi, Uganda and Zimbabwe reported having experienced at least one form of mental violence. The figures are as high as 90 per cent in Kenya and Uganda and 87 per cent in Ethiopia.

Chart 3.1: Prevalence of mental violence against street children, ACPF studies



Source: Based on data from ACPF’s national studies on violence against children in selected countries in Africa (2012)

Of street children surveyed in Malawi and Uganda, 38 per cent and 16 per cent respectively reported being hated by the public, while 36 per cent in Uganda and 28 per cent in Malawi reported being feared by the public. The negative reputation of street children as vagrants and hooligans encourages a sense of impunity among perpetrators of violence against them (Table 3.1).

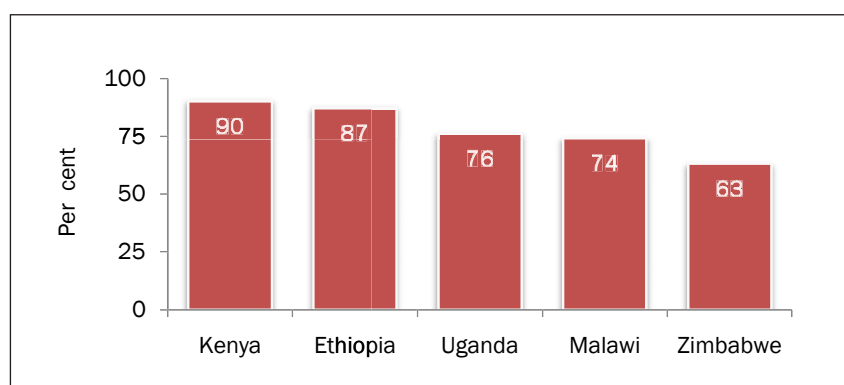
**Table 3.1: Public attitudes towards children on the street, ACPF studies**

Attitudes	Countries	
	Malawi	Uganda
Hated	38	16
Feared	28	36
Despised	6	9

Source: ACPF's surveys on violence against children living and/or working on the street (2012).

### 3.2.2 Physical violence against street children

According to the 2012 ACPF studies, about 90 per cent of children living and/or working on the street in Kenya, 87 per cent in Ethiopia, 76 per cent in Uganda and about 74 per cent in Malawi had suffered physical violence, mostly severe (Chart 3.2). In Uganda, 60 per cent of acts of physical violence against children living or working on the street were perpetrated by strangers or passers-by, as were 54 per cent of those in Kenya and 42 per cent in Malawi.

**Chart 3.2: Prevalence of physical violence against street children, ACPF studies**

Source: ACPF's national surveys on violence against children living and/or working in the street (2012)

Sometimes children living on the street are abused by their peers, especially older peers. This may be conducted in an ad hoc manner, or may be more systematic. For example, in Bangui, Central African Republic, street adolescents forced younger children to crawl on their hands and knees on broken glass as part of an 'initiation rite'.<sup>116</sup>

Street children are also subjected to violence by the authorities. Many cases of physical violence against children in the five countries surveyed by ACPF were committed by police and security forces. Given the typical relationship between street children and the police, it is not surprising that few children report incidents of abuse to the police, even to child protection units within the police. Only one per cent of children who experienced abuse in Malawi, and less than 3 per cent in Uganda, reported such incidents to the police. Children who do not report are also unlikely to obtain medical attention.

Children living and/or working on the streets in Africa often come into contact with the justice system and their rights to protection are frequently denied. Indeed, the UN Special Rapporteur on torture and

other cruel, inhuman or degrading treatment or punishment reports that, in many countries, the criminal justice system functions as, “an ill-suited substitute for a lacking or dysfunctional welfare system, resulting in the detention of children who have not committed a crime but who actually require welfare assistance, such as street children”.<sup>117</sup> Many children living on the street in Africa are brutalised by police or street gangs, or together with adult prisoners, without adequate food, bedding or healthcare and face risks of abuse.

### 3.2.3 Sexual violence

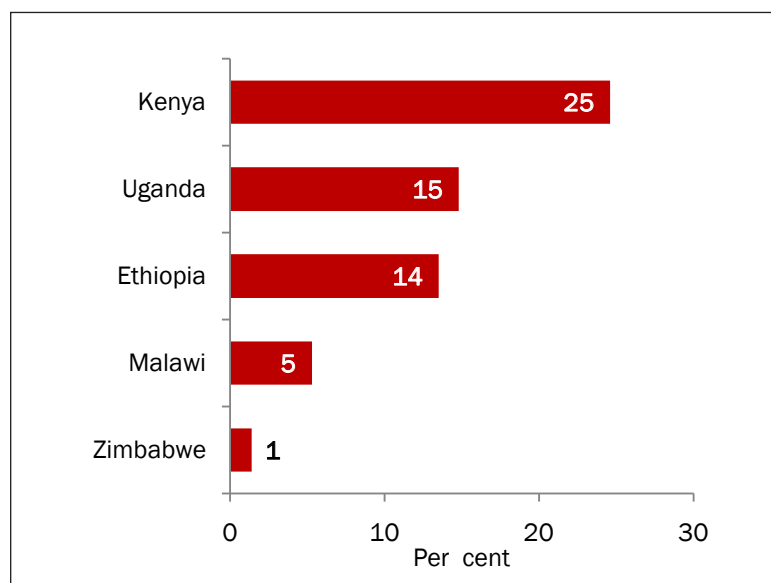
According to ACPF studies, the prevalence of sexual violence against children, especially girls, on the streets is extremely high. More than 74 per cent of girls surveyed in Uganda, 70 per cent in Kenya and 62 per cent in Malawi were subjected to at least one form of sexual harassment or violence. 40 per cent of children living on the street in Kenya, Uganda and Malawi were victims of sexual violence. More than 60 per cent of girls living or working on the street in Kenya reported being approached or spoken to in a sexual manner, 45 per cent reported being touched or pinched, and a quarter experienced rape.

**Table 3.2: Reported forms of sexual violence against street children, ACPF studies**

Forms of sexual violence	Kenya		Malawi		Zimbabwe		Ethiopia		Uganda	
	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
Approached or spoken to in a sexual manner	61	26	46	12	46	9	45	12	26	12
Touched or pinched in sexual manner	45	20	41	7	27	5	39	11	60	20
Purposely exposed to private parts	29	15	20	13	10	6	12	11	50	21
Forced to look at sexual acts or pornographic materials	16	18	25	30	3	2	18	19	23	21
Experienced forced sex or rape	25	11	5	2	1	2	14	5	15	26
Forced consent to marriage or consensual union	14	4	15	5	1	0*	6	1	19	7
Forced into commercial sex work	10	4	7	1	3	1	5	0	18	4
Trafficked for sexual purposes	5	3	4	1	0*	1	5	0	7	3

\*Refers to a situation where the sample children did not mention the form of sexual violence and does not mean that these forms of violence are not perpetrated on children living or working in the streets.

Source: Based on data from ACPF's studies on violence against children in selected countries in Africa (2012).

**Chart 3.3: Percentage of street girls who had experienced forced sex, by country**

Source: Based on data from ACPF's studies on violence against children in selected countries in Africa (2012).

### 3.3. CHILDREN IN RESIDENTIAL HOMES

One consequence of the HIV/AIDS epidemic in Africa has been a large increase in the number of orphans. In Africa children whose parents died or could not care for them were traditionally absorbed into the extended family, but in the face of HIV/AIDS, the capacity of traditional social networks, such as these, have become overstretched and can no longer cope with the large numbers of orphaned children. In 2012 UNAIDS estimated that 15.1 million children in sub-Saharan Africa have lost one or both parents to AIDS.<sup>118</sup> If no substitute parent within the extended family is available, orphans may be taken into institutional care. It is to be noted, however, that not all children in institutions are orphans and some are there because their parents cannot afford to feed, clothe and educate them. In fact, a study by Save the Children revealed that at least four out of five children in institutional care have one or both parents alive.<sup>119</sup> Living in institutions can be a traumatic experience for children. They may be neglected, or face risks of being physically or sexually abused. Indeed, children in institutional care – already vulnerable as a result of the circumstances that led to their separation from their families and communities – are at high risk of violence, neglect and abuse, including sexual abuse, from staff and officials responsible for their well-being.<sup>120</sup>

Children may be exposed to different types of violence within other forms of alternative care. These forms of violence such as child labour, domestic or agricultural work and neglect (see Box 3.4).



### Box 3.4: Violence against children in alternative care

Findings in a 2014 report by SOS Children's Villages International, CELCIS at the University of Strathclyde, and the University of Malawi, reiterate that children in different forms of alternative care, and at different stages in the alternative care system, are very vulnerable to different kinds of protection risks. The report, based on a synthesis of eight assessments of the implementation of the UN *Guidelines for the Alternative Care of Children* (the Guidelines) in Benin, Gambia, Kenya, Malawi, Tanzania, Togo, Zambia and Zimbabwe, looked at the protection risks for children without parental care or those at risk of losing it.

**Informal or kinship care** was found to be the most common form of alternative care in the region. The reports from Kenya, Malawi and Togo provided evidence that such children were vulnerable to child labour, domestic or agricultural work, mistreated and abused in their extended families or communities, and had restricted access to health and education. Interviews with key informants in Kenya found that informal carer's sometimes diverted resources meant for the children in their care for other family needs or appropriated the properties or resources that children had been left by deceased parents. The report also stated concerns of sexual exploitation of children under the care of their community or other family members (see also violence against child domestic workers below).

The report found that formal care, either family-based or residential, posed its own risks, particularly where there is an absence of robust independent monitoring and accountability. Across the countries, concerns were highlighted about the treatment of some children in formal care not meeting the standards of the UN Guidelines. In Benin, a survey of children in residential care found that children were regularly subjected to corporal punishment (caning and hitting), deprivation of food, and additional duties. In Kenya, concerns were raised over the lack of implementation of guidelines leading to some institutions being used as a source and transit point for child trafficking

Furthermore, child protection standards were not consistent within countries. In Togo, child protection policies varied according to the institution and were often only implemented by organisations to meet the requirements of external or overseas funding.

Source: SOS Children's Villages International, Centre for Excellence for Looked After Children in Scotland (CELCIS) at the University of Strathclyde, University of Malawi (2014).<sup>121</sup>

#### 3.3.1 Experiences of violence against children in residential homes

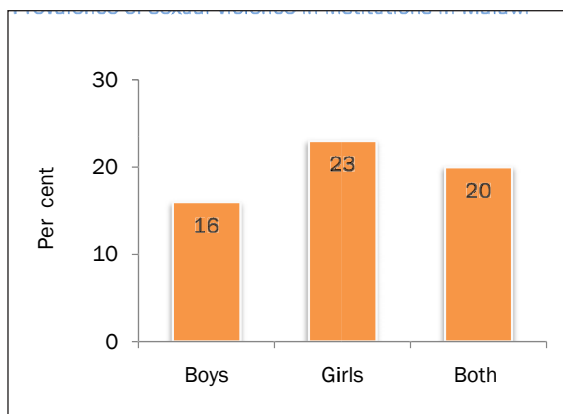
Studies conducted in various countries have reported that children under residential care are exposed to violence of various forms. The ACPF study found that more than 43 per cent of boys surveyed had suffered physical violence. One in ten child victims of physical abuse classified the assault as severe or very severe, and as a result could not attend school. In about 20 per cent of cases, the abuse left physical scars, and one in every eight children had to be taken to a clinic for medical attention.

The study also found that 20 per cent of children reported having experienced sexual violence of one or another form. Among the children who reported to have experienced sexual violence, 31 per cent said they had been approached or spoken to in a sexual manner in reference to their bodies during the 12-month period prior to the study. The findings further show that 11-14 year-olds were exposed to this type of abuse less frequently than their 15-17 year-old counterparts. While 30 per cent of boys and 31 per cent of girls were abused in this way at least once a week, boys (19 per cent) are far more likely than girls (2 per cent) to be abused almost every day. Half of the children with disabilities reported abuse at 1-3 times a week – this is more often than any other category of children.

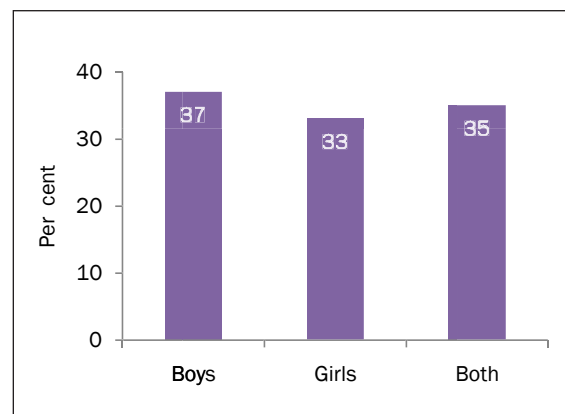
One of the six forms of sexual violence that the study considered was rape or coerced sex (including vaginal, anal or oral sex), often conducted under the threat of death using weapons. Of all the children living in the sampled institutions in Malawi, 8% said they had been raped or had been forced to have sex under the threat of death in the 12-month period prior to this study. As in other contexts, sexual violence committed against girls (23%) was higher than for boys (16%) (Chart 3.4). The study also revealed that 35 per cent of children surveyed had suffered mental violence (Chart 3.5).

The results showed that 57per cent of the 15-17 year-olds were raped or forced to have sex at least once a week, whereas such incidents were less frequent for 11-14 year-olds. Furthermore, boys were raped more frequently, with 50 per cent of those who were raped being abused almost every day, compared to 33 per cent of girls who were subjected to forced sex at least once a week. Children with disabilities living in institutions were also likely to be abused more frequently than their non-disabled peers, lending support to the widespread belief in myths around sex and disability.

**Chart 3.4: Prevalence of sexual violence in institutions in Malawi**



**Chart 3.5: Prevalence of mental violence in institutions in Malawi**



Source: Based on data from ACPF’s national studies on violence against children in selected countries in Africa (2012).

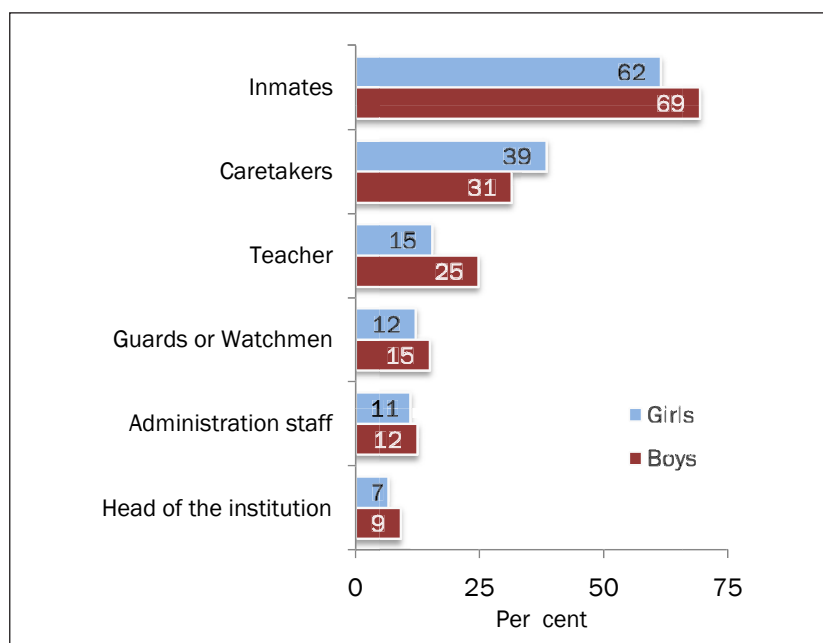
### 3.3.2 Perpetrators of violence against children in residential homes

Although violence by peers is common, staff members (such as caretakers, teachers, guards and even support staff) are responsible for a considerable proportion of the physical violence committed against children living in institutions. Violence perpetrated by peers might reveal hidden problems associated with deprivation, frustration, overcrowding and lack of proper monitoring. Other studies have linked peer violence in institutions to children imitating violence against other children as perpetrated by institutional staff.<sup>122</sup>

Around one-third of children living in sampled institutions described having been beaten by a caretaker. Teaching staff were more likely to beat boys than girls, while caretakers in most cases beat girls. Heads of institutions were also mentioned among the perpetrators of violence (Chart 3.6).

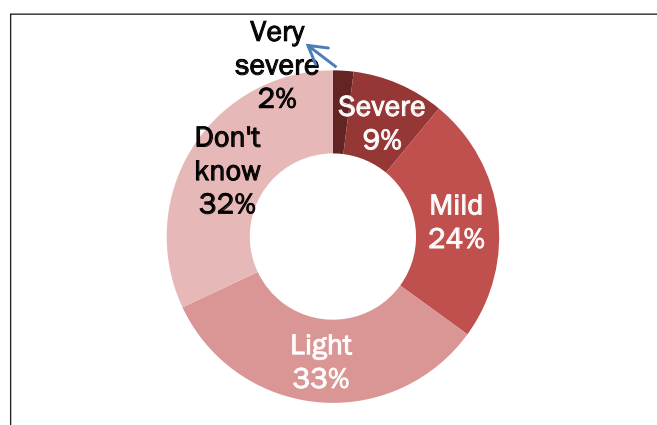
Generally, all individuals, including adults working in and running the institutions and peers, were reportedly involved in perpetrating sexual violence. The study revealed that 67 per cent of visually impaired children all reported being abused by three groups of perpetrators: male carers, heads of institutions and guards.

Chart 3.6: Perpetrators of physical violence in Malawian institutions, ACPF study



Source: Based on data from the ACPF survey on violence against children living in institutions in Malawi (2012).

Chart 3.7: Severity of physical violence in residential childcare institutions in Malawi



Source: Based on data from the ACPF survey on violence against children living in institutions in Malawi (2012).

Over half the children living in institutions reported violence they experienced by persons or bodies they thought would help in one way or another. In most cases, victims reported it to the head of the institution, and at other times to teachers. A significant proportion (13%) also reported the case to the police or local administrators, indicating the gravity of the assault.

In Malawi, there is a regulatory framework to oversee an open and impartial complaints procedure and it was estimated that in 2009, 86 per cent of formal care placements had complaints mechanisms in place. In this context, child protection officers were mandated to make court applications on behalf of children and become a person of trust who had the permit to pursue complaints on behalf of the child. However, such mechanisms were not evident in practice despite the legislative context.<sup>123</sup>

Similarly, in Kenya, it was found that despite a national policy that provides for complaints reporting mechanisms for children in alternative care, abuses were rarely reported to the relevant authorities. This occurred, despite the fact that interviews with children confirmed that they were aware of their rights, knew how to report complaints through suggestion boxes and were provided with designated officers and Child Line 116. Concerns were raised about cases not being adequately addressed when they involved care providers, and there was also a need for developing mechanisms for the escalating number of complaints to be addressed adequately.<sup>124</sup>

The high prevalence of violence against children in institutions is already worrying, but of more concern is the absence of rules preventing violence in most institutions and the lack of accountability of the perpetrators. This was underlined in the UN Report on Violence against Children, which noted that institutions and places of detention are often closed to public scrutiny; lack a basic legal framework prohibiting all violence and also lack oversight, effective complaints mechanisms and inspection systems. The fact that perpetrators are rarely held accountable implies that high rates of violence continue unchecked in an environment that tolerates violence against children.<sup>125</sup>

The 2009 UN Guidelines for the Alternative Care of Children provide an important policy framework which describes practical mechanism to protect children deprived of parental care. They aim to support efforts to keep children with their families or, failing this, to find another appropriate and permanent family solution, including adoption or *kafala* under Islamic law. Under the Guidelines, States must ensure that the accommodation and supervision provided to children in alternative care protects them from abuse. In addition, all alternative care settings are required to protect children from abduction, trafficking, sale and all other forms of exploitation.<sup>126</sup> The Guidelines<sup>127</sup> state that:

[a]ll disciplinary measures and behavior management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law.

In Africa, evidence suggests that, in many instances, governments are challenged in their ability to provide effective coordination and oversight of alternative care measures, especially as residential care is largely provided by non-state organisations, which do not necessarily abide by the regulations and standards of the state. Governments are also challenged in their progress as a result of limited knowledge of their child population and the services available, and by insufficient and unpredictable resources for policy and law implementation to provide alternative care in line with the standards set out in the Guidelines.

### **3.4 VIOLENCE AGAINST CHILD DOMESTIC WORKERS**

Almost all working children, whether employed in a factory, on the street, or in the privacy of people's homes, are by definition deprived of protection and therefore vulnerable to violence.<sup>128</sup> A hidden category of child work, and one that has not traditionally been classified as 'labour' in Africa, is child domestic work. The phenomenon of parents sending their daughters to live with other better-off relatives to receive board and lodging in return for domestic duties, is not new. In Africa, 9 out of 10 child domestic workers are girls<sup>129</sup> However, the practice has become increasingly commercialised in recent decades, and is more likely to be abusive.<sup>130</sup> Because of the hidden nature of child labour in domestic work, it is difficult to obtain representative data. Nonetheless, it is a serious issue in Africa.<sup>131</sup> In Kenya, in 2006, the International Labour Organization (ILO) estimated that about 200,000 children below the

age of 18 were engaged in domestic labour.<sup>132</sup> Part of this has been linked to the increasing vulnerability of fostered children to situations of exploitation. The ILO found that the distinction between “helping in the house of a relative” and working as an employee may be ambiguous.

The ILO defines child domestic work as a ‘worst form’ of child labour due to the exploitative nature of the working conditions. Ironically, because they are employed in people’s homes, parents assume their children will be safe and protected by their employers, who are regarded as ‘aunties’ or substitute carers. However, the child domestic is subject to discrimination and rarely regarded as on a par with the household’s own children. In a study in Guinea, girl domestic workers described working excessive hours, receiving no pay, deprived of freedom and being insulted, shunned and beaten.<sup>133</sup> This is not the universal experience, but it is not uncommon in Africa. Extreme exploitation and abuse tends to happen where the child has no protection and the employer can act with impunity.

### Box 3.5: Child labour and vulnerability to violence

Since socio-cultural environments differ in Africa, caution should be exercised in the definition of exploitative child work, as it is common for children to help their families by fetching water, keeping shop for parents, helping in the fields and looking after small livestock.

With the increasing transformation of African economies, the transition from communal living to nuclear families and with increased economic exclusion and deprivation, children’s involvement in the workplace has tended to become more exploitative. Instead of acting as a helping hand on the family farm or market stall, children are sent out on their own to earn money. The occupation may exhaust the child, endanger his or her health and safety, and inhibit education and development.

An estimated 5 million children across Africa are engaged in paid work mostly in commercial agriculture, peaking at times of harvest. In Kenya, 30 per cent of coffee pickers are children; while an estimated 25,000 children work in Tanzanian plantations and mines. Children sent far from home are especially vulnerable to violence in already hazardous occupations.

Although exact figures are hard to come by, thousands of children are recruited from their villages or from city streets and sent, or trafficked, across African borders to serve labour markets elsewhere out of which recruiters make a profit. In West Africa, girls from Benin and Togo end up as domestic workers in neighbouring countries, while boys work as agricultural labour on cocoa, coffee, cotton, rubber, fruits or vegetable plantations.

In Nigeria, girls as young as 12 years of age are transported to Lagos from rural areas by relatives or friends of the family, for remuneration, under the pretext of getting the girl employment in the city. Mining and quarrying also use child labour brought in by recruiters from far away. Children ‘sold’ to ‘traffickers’ may also be engage in street vending, selling cigarettes, snacks and phone cards in markets, bus stations and traffic junctions, all of which are hazardous occupations.

Sources: O Agbu (ed) *Child Labour in Contemporary Africa*, 2009<sup>134</sup>; HD Hindeman (ed) *The world of child labor: An historical and regional survey* (p. 194-198)<sup>135</sup>

Child domestic workers not only face abusive working conditions, but they also experience physical violence, psychological abuse, sexual abuse and rape.<sup>136</sup> Children in Guinea reported being beaten with whips, electric cords, belts, sticks, brooms, and other items.<sup>137</sup> Burns and injuries are common, and children may be denied medical attention.

### Box 3.6: Abuse and neglect behind closed doors

Employers of child domestic workers may intend to be protective of the girls in their care. But the less experienced a child, the more likelihood of mistakes, and the inability to perform tasks beyond her capacity may exasperate the employer, and result in severe physical abuse. In Benin and Togo children reported being hit with sticks if they made mistakes in their chores, or being pulled by their ears, splashed with dirty water, or slapped until they collapsed.

Children sent by employers to sell goods in the market said that if they did not sell everything they had for the day, they were often shouted at and beaten. Physical abuse of child domestic workers can involve extreme brutality. A child domestic worker from Morocco reported: 'If I did something the employer didn't like, she would grab my hair and hit my head against the wall.'

Girls often suffer sexual abuse in the home of their employer, especially where the head of the family is an unmarried man or where there are young men in the house. In Tanzania, teenage domestic workers reported being sexually harassed or abused. In some cases, women employers accused them of having sex with their husband.

An Ethiopian girl domestic worker reported: 'I was working as a maid in the house of an unmarried man when he molested me and dishonoured me of my virginity. I couldn't do anything other than stop working there.'

Sources: Anti-Slavery International 2008<sup>138</sup>; HRW<sup>139</sup>; ACPF 2008<sup>140</sup>.

## 3.5 VIOLENCE AGAINST CHILDREN WITH DISABILITIES

Children with disabilities are at a greater risk of violence than their non-disabled peers, as a result of the social stigma and discrimination that they face, and the lack of social support available to them. In the case of children with physical disabilities, their vulnerability to violence is aggravated by their inability to escape potential perpetrators. Children with mental disabilities may not be able to discern the intentions of assailants, or communicate incidents of violence to law enforcement bodies. Children with visual impairments may be unable to escape harm, or give accurate descriptions of assailants.<sup>141</sup>

Families may force their disabled children to beg on the streets.<sup>142</sup> The children may be routinely subjected to violence to keep them on the street, where they also face abuse by the public. Children with disabilities can be subjected to torture in order to make them appear more pitiable and therefore worthy of charity.<sup>143</sup>

A study conducted by ACPF in Cameroon, Ethiopia, Senegal, Uganda and Zambia estimated that on average children with disabilities are nearly twice as likely to suffer abuse as their non-disabled peers. This same study found that all of the children – 100% of the study sample – had suffered from emotional and sexual violence, and 82 per cent had additionally suffered physical violence. This did not include multiple episodes of the same category of violence, which might have further increased the magnitude of their suffering.<sup>144</sup>

These findings correlate with a 2012 review commissioned by WHO, which showed that children with disabilities are: 3.7 times more likely than non-disabled children to be victims of any sort of violence; 3.6

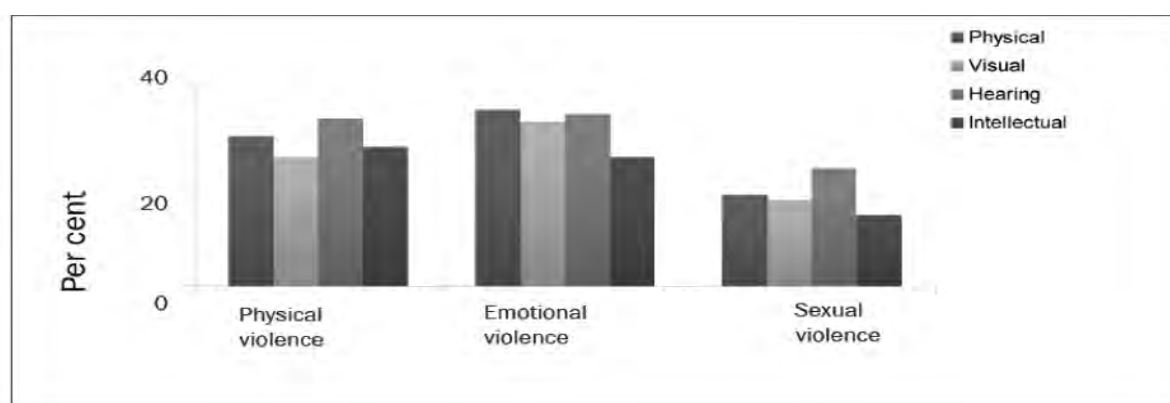
times more likely to be victims of physical violence; and 2.9 times more likely to be victims of sexual violence. Children suffering from mental illness or intellectual impairments appear to be among the most vulnerable, with 4.6 times the risk of sexual violence compared with non-disabled peers.<sup>145</sup> A 2005 UN Secretary General's Report on Violence against Children Thematic Group on Violence against Disabled Children noted that violence against children with disabilities is, at times perpetrated, when parents or family members attempt to “heal” the child from his/her disability, especially in societies where disability is considered to be caused by evil spirits. According to the report, such attempts can cause death or injury when they involve “severe beatings, starvation or other forms of violence, such as wrapping children for hours in blankets to the point of suffocation or subjecting them to fire, extreme heat or cold or other treatments”.<sup>146</sup>

### 3.5.1 Variations in types of violence and victims

ACPF's study confirmed that girls with disabilities were more vulnerable to sexual violence, while boys with disabilities were more vulnerable to physical violence. Sexual violence inflicted on children with disabilities ranged from two episodes of sexual violence per child in Senegal to four per child in Cameroon. Types of sexual violence included rape (52%), forced prostitution (30%), and indecent touching (43%).

When disaggregated by type of disability, children with hearing disabilities were found to be more vulnerable to physical and sexual violence, while children with physical disabilities were more liable to mental violence, notably mocking and bullying on account of a physical deformity (Chart 3.8). Sexual violence against children with disabilities may also arise in the context of a caregiver engaging in sexual touching during bathing and toilet routines; and using explicit sexual language or making crude sexual jokes.<sup>147</sup>

Chart 3.8: Violence against children with disabilities by disability type



Source: ACPF (2010).

Although both boys and girls were vulnerable to all types of violence, the ACPF study revealed a startling trend of increasing sexual violence against boys with disabilities.<sup>148</sup>

### 3.5.2 Perpetrators and impunity

Perpetrators of sexual violence included peers, neighbours, extended relatives, boyfriends and teachers. However, cases are not often reported, and there is a wide gap between actual and



reported incidence of violence against children with disabilities. In Uganda, 64 per cent of physical violence against children with disabilities captured by the ACPF survey had been reported, whereas in Zambia only 31 per cent had been reported. In the case of rape, those countries with the highest prevalence had the lowest reporting levels. Of boys in Zambia who had been forced into intercourse, 94 per cent had never reported an incident to anyone prior to the research.<sup>149</sup>

Cases against perpetrators of violence against children with disabilities are often dismissed on account of their inability to defend themselves in court. Impunity for perpetrators of violence against children with disabilities is widespread. In the few instances where perpetrators were taken to court, they were usually acquitted, or received a reduced sentence and were subsequently released from jail.<sup>150</sup>

The impunity enjoyed by perpetrators of violence is exacerbated by the perceived worthlessness of children with disabilities. The extreme discrimination some suffer is exemplified by the violence committed against children with albinism, which may result in mutilation and death (see Box 3.7).

Indeed, discrimination, violence and harmful practices against children with albinism have reached alarming proportions in a number of countries in Africa.<sup>151</sup> As noted in the report by the Special Representative of the Secretary-General on Violence against Children, persons with albinism are “perceived as a curse from the gods and a charm made from their body parts is considered to have magical powers that bring wealth, success and good luck”.<sup>152</sup> Some even believe that a witchcraft ritual is more powerful if the victim screams during the amputation, so body parts are often cut from live victims, especially children. The use of children is likely linked to the pursuit of innocence which, it is believed, enhances the potency of the witchcraft ritual. Moreover, children with albinism are more vulnerable to attacks as they are easy to find and capture and do not have the physical strength to fend off attackers.<sup>153</sup>

To investigate, prosecute and condemn the perpetrators of such crimes and to undertake preventive measures that bring these practices to an end, clear legislation<sup>10</sup> and its effective enforcement are urgent in Africa.<sup>154</sup> It is also crucial to provide for the physical and psychological recovery and reintegration of child victims of such crimes in an environment that fosters their health, self-respect and dignity and supports the development of their full potential in life.

Moreover, the involvement of political, religious, traditional and tribal leaders is crucial in violence prevention and in the protection from violence of children with albinism. These influential actors can jointly help to enhance awareness amongst families and communities about the fundamental rights of these children and the severity and dramatic consequences of incidents of violence against them. Such wide social mobilisation efforts can lead to the lasting abandonment of harmful practices and to the effective protection of children with albinism from discrimination.

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<sup>10</sup> The protection of children with albinism through (disability) legislation is hampered in some countries by the lack of clarity around whether or not albinism is a disability. For instance, albinism is treated as a disability by some countries, and as a disease by other countries. The Persons with Disabilities Act 2003 (as amended in 2010) of Kenya includes albinism in its definition of disability, whilst, in Uganda, albinism is considered an illness, and objections are echoed against the inclusion of albinism as a disability in the country's Disabilities Act. See Government of Kenya 2007. Persons with Disabilities Act 14 of 2003 (as amended in 2007). Nairobi; and Africa Albino Foundation - Uganda (2012). The case of albinism and Disability in Uganda. Available at: <http://aafuganda.org/> (accessed 25 February 2013).



### Box 3.7: Where albinism is a cause for lethal violence

Albinism is a rare, genetically inherited, condition that occurs in both genders regardless of ethnicity, in all countries of the world. An overall estimate of albinism prevalence in Africa ranges from 1/5,000 – 1/15,000.

Children with albinism in Africa are sometimes seen as not fully human, and may suffer severe discrimination. They are sometimes known as ‘children of the moon’. In Tanzania, for example, people with albinism are referred to as *zeru-zeru*, or ghosts. In South Africa, albinos are commonly referred to as apes.

In Tanzania, children with albinism have been hunted for blood and body parts, which are believed to add potency to black magic rituals, or to bring good fortune. For example, fishermen believe if they weave the red hair from a person with albinism into their nets, fish will be attracted by the glimmer. However, since 2008-2009, when killings of children with albinism caused extreme protest, the number of attacks has been significantly reduced.

The 2012 Under The Same Sun report on Tanzania, *Children with Albinism in Africa: Murder, Mutilation and Violence*, written for the Special Representative of the Secretary-General on Violence against Children, discusses the plight of persons living with albinism. The study presents documented cases of killings (71 in Tanzania, 17 in Burundi, seven in Kenya, three in Swaziland), as well as attacks and grave robberies over the past decade.

Source: Hong, Zeeb and Repacholi (2006)<sup>155</sup>; Under the Same Sun (2012)<sup>156</sup>



# 4

## VIOLENCE THROUGH THE EYES OF CHILDREN

*'Parents beat their children because they think they are helping them change. But this just makes children furious and rebellious.'* ~ Child from Burundi

*'No one is able to tell our stories and share our experiences as we can.'* ~ Members of the Children's Forum Network – Sierra Leone

### 4.1 CAPTURING THE VOICES OF CHILDREN

It is important to enable children to recount their experiences of violence in a supportive environment not just because it helps illuminate the phenomenon from the victims' perspectives. Their voices also have an important role to play in informing policies and programmes intended to prevent violence and mitigate its consequences.<sup>157</sup> However, children, especially younger children, have difficulty talking about violence committed against them, particularly when perpetrated by people they trust.

#### Box 4.1: Ugandan Children's understanding of violence

- **Violence is about how adults make you feel bad.**  
Violence against children is when big people make you feel bad by doing bad things to you.  
~ 13-year-old girl, Wakiso
- **Violence is about bad things adults do to you.**  
It is when my father shouts at me all the time even for small mistakes  
~ 9-year-old boy, Apac
- **Violence is about what adults don't do.**  
My stepmother never talks to me or teaches me anything. She ignores me as if she doesn't notice me at all and gives me sharp looks if I do something that she doesn't like.  
~ 8-year-old girl, Iganga
- **Violence is wrong.**  
It is not right to make a child walk four kilometres with a heavy load to sell things at the market, especially on a school day.  
~ 15-year-old boy, Kasese

Source: Save the Children in Uganda (2005). *Violence against Children: The Voices of Ugandan Children and Adults*<sup>158</sup>

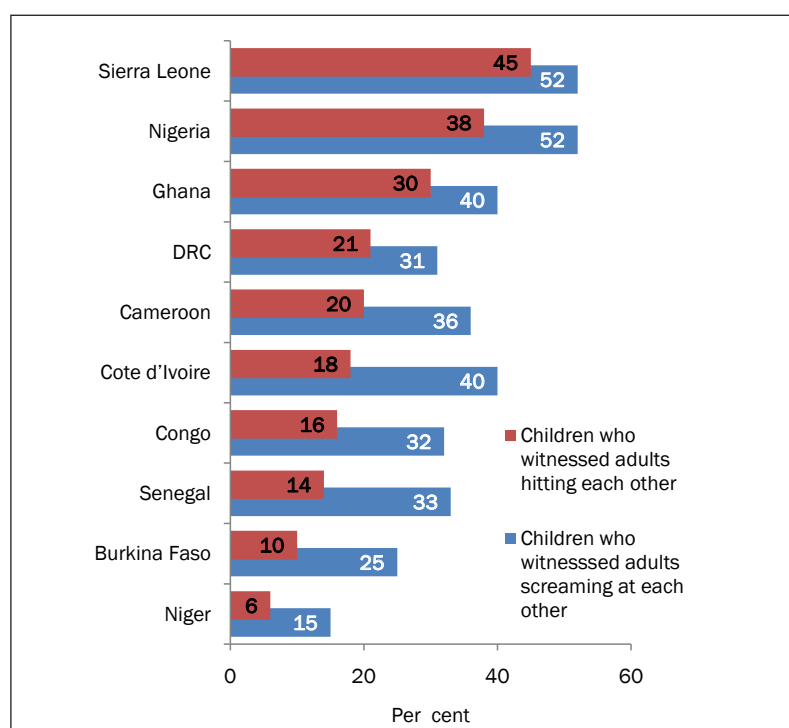
### 4.2 CHILDREN'S VIEWS ON VIOLENCE IN THE FAMILY

*Children and Youth Polls* were conducted by ACPF during 2006 in eight eastern and southern African countries and in 2008 in ten Western and Central African countries.<sup>159</sup> The polls confirmed that the family is very important and that positive family experiences are vital sources of happiness for children in Africa. Over half of children (52%) reported that they experienced joy when socialising with their families. Most children reported that the circumstances of their family lives and their relationships with family members are the two most important factors determining happiness or sadness.

By contrast, children reported that they ‘*feel unhappy when there are problems at home*’ and ‘*feel insecure when they witness violent behaviour*’. Over two-thirds (70%) of children reported that they had a positive relationship with their father and mother. However, just fewer than one in every three children did not have a very good relationship with their father or mother, resulting in a sense of insecurity, misunderstanding and poor communication.

Children reported that they detested violent behaviour practiced by their parents, and that they kept their distance when they anticipated it.<sup>160</sup> Over half of children in both Sierra Leone and Nigeria witnessed adult family members screaming at each other quite frequently. The experience of family members assaulting or hitting each other was common (Chart 4.1). Such incidences are indications of the kinds of environments in which children live, and are risk factors for child abuse within families.

**Chart 4.1: Children who witnessed violent behaviour at home**

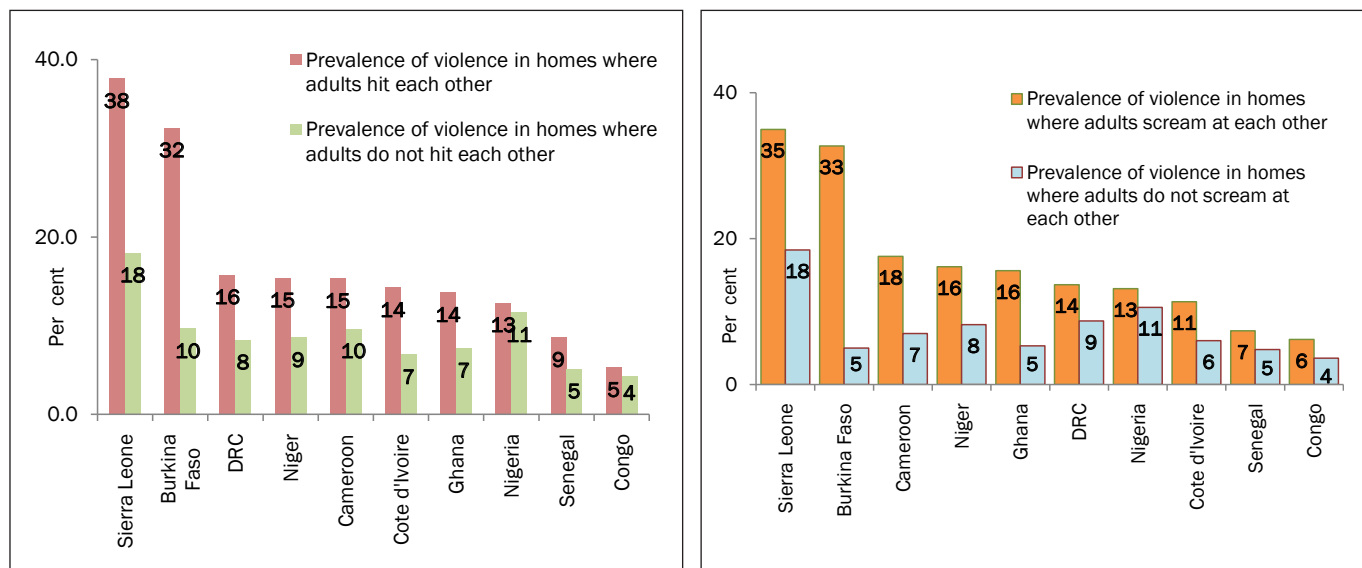


Source: Based on data from children’s and youth polls (ACPF)

#### 4.2.1 Witnessing violence and exposure to violence

There is a clear association between witnessing violence at home and children’s own exposure to violence. Chart 4.2 shows the percentage of children who experienced violence compared with the percentage of children who reported witnessing violence between adults (for both physical and verbal violations). A similar pattern was observed in all ten countries covered in the surveys.

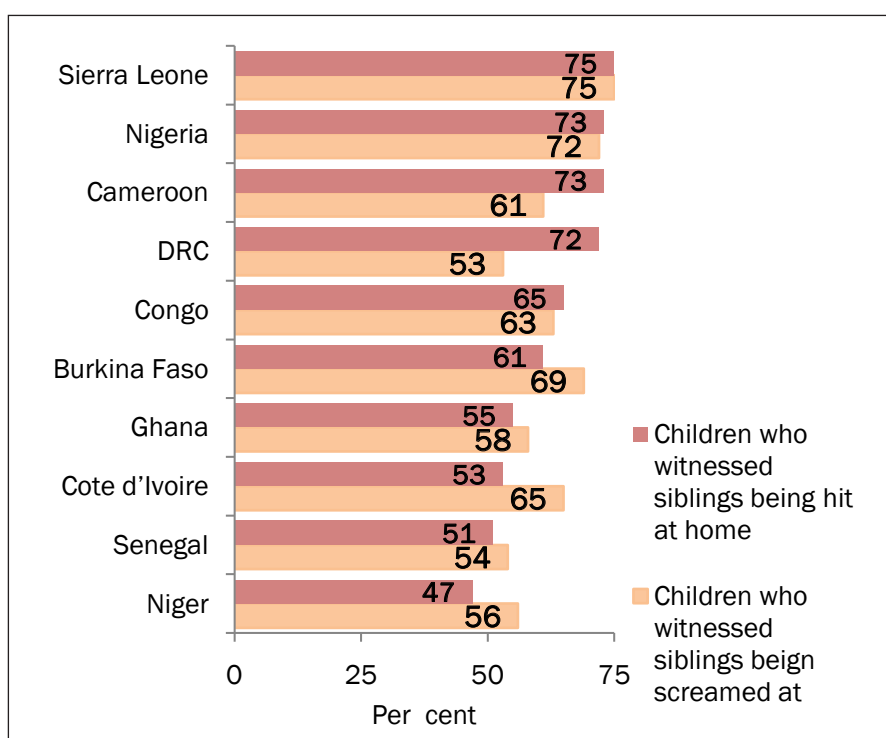
**Chart 4.2: Prevalence of violence by children’s exposure to violent behaviour at home**



Source: Data from children's and youth polls (ACPF).

Another indicator used to assess children’s perception of safety in the family environment was witnessing abuse targeted at siblings at home (Chart 4.3). In some countries, nearly three-quarters of children witnessed siblings being verbally and physically abused. The pattern of violent behaviour towards children within the family setting, as reported by children, is similar for both emotional and physical abuse in the ten countries covered in the polls. Children understood these incidents as punishments for ‘bad behaviour’, ‘sibling quarrels’ or ‘arguments between parents’.

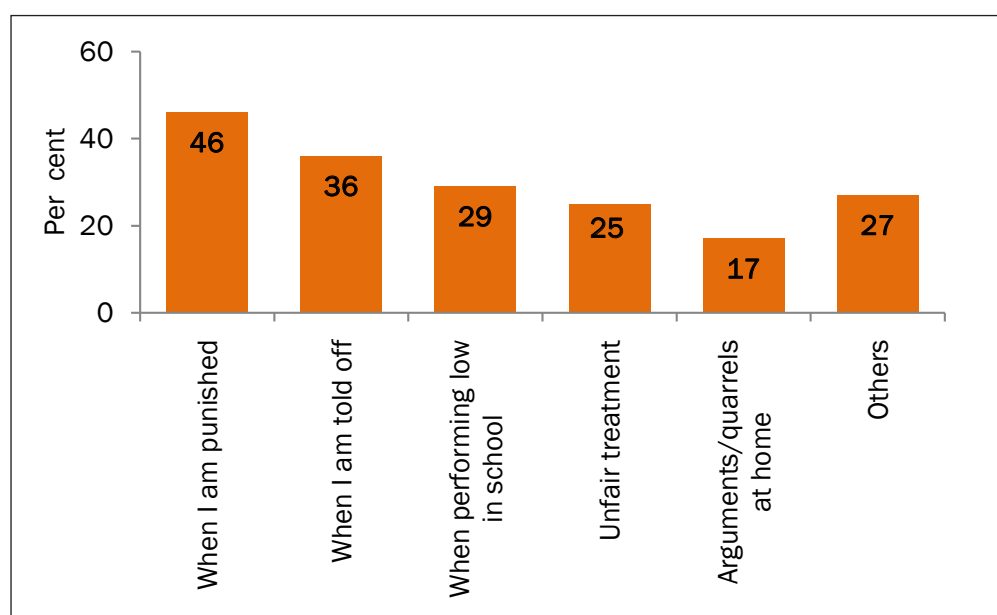
**Chart 4.3: Percentage of children interviewed who witnessed abuse of their siblings**



### 4.2.2. The feelings evoked by violent behaviour towards them

A significant proportion of children in the polls reported feeling ‘*disappointed*’, particularly when they were punished (see Chart 4.4). A study in Uganda revealed that children expressed feeling intense anger (67%), fear (66%), and shame (57%) when violence was committed against them. A considerable number of children had thoughts of suicide and revenge, or admitted showing their anger on younger children. The experience of violence shaped many children’s beliefs about themselves and some talked of how experiencing violence undermined their trust in adults and confidence in themselves.<sup>161</sup>

**Chart 4.4: Reasons for children's disappointment**



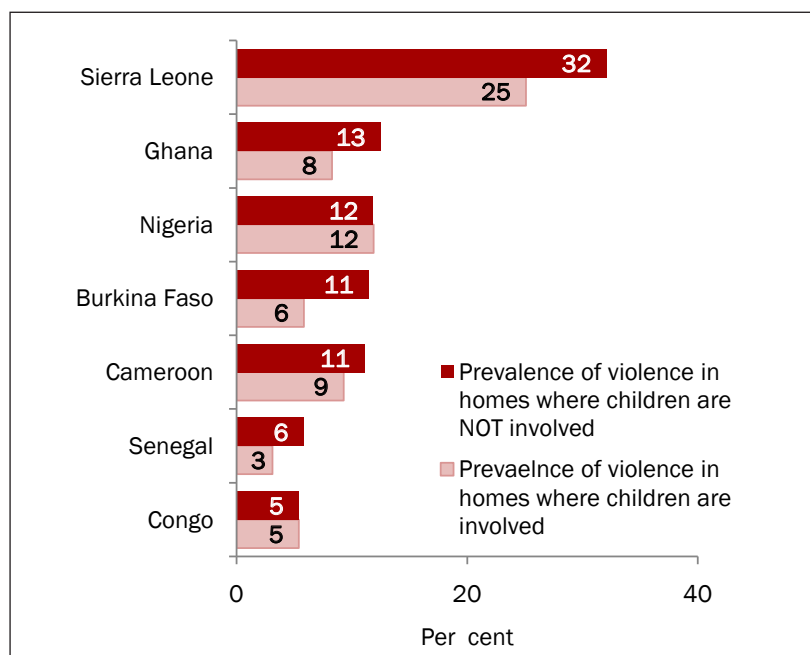
Note: The percentages add up to more than 100 (multiple answer options)

Source: Based on data from ACPF’s children and youth polls in West and Central Africa.

### 4.2.3 Less violence in homes where children are consulted

Discussions held with children in the ACPF youth polls revealed that in families where children are frequently consulted in decision-making, incidences of violent abuse were noticeably lower. Families that dialogue with children to solve problems create an environment of understanding where physical force is used far less frequently and children learn to recognise the virtue of conflict resolution by non-violent means (Chart 4.5).

Chart 4.5: Children's involvement in decisions and reduced violence at home



Source: Based on data from children's and youth polls (ACPF)

### 4.3 CHILDREN'S VIEWS ABOUT VIOLENCE IN SCHOOL AND THE COMMUNITY

Violence, especially in the form of physical punishment but also in other forms already discussed in Chapter 2, is frequently experienced in African schools. The ACPF polls found that children highly value their relationships with teachers and peers and generally have good relationships with them. However, in some countries, for example Cameroon and Burkina Faso, children reported a less good relationship. The main reasons were unfair punishment and mistreatment. Over a third of children mentioned 'beating', and a similar proportion described being treated unfairly by their teachers.

Within their communities, in the areas where they play and on their routes to and from school, the ACPF polls found that children generally feel safe during the day but have a heightened sense of insecurity in the evenings and nights. Those were the times at which they had heard of or witnessed incidents of robbery, physical assault and sexual violence.

A girl from Niger said, 'There are many people who hassle, who kill in my neighbourhood. Last week they killed four people.'<sup>162</sup> Parents are concerned for children when there are reported incidents of violence or kidnapping, and may keep them away from school. Children who are warned about or witness such incidents may similarly be frightened, causing them to stay at home.

Figure 4.1: Child abduction through the eyes of children



Drawn by Akalu, 16 year-old boy, Ethiopia

Children are also aware of harmful practices affecting them. Those perceived by children as most significant are abduction, accompanied by rape and forced marriage; female genital cutting; and polygamy. Figure 4.1 shows how a child portrays abduction of girls in his community.

In a study in Uganda, when asked what should be done to prevent violence against children, most children said that they preferred caution and sensitivity as well as non-punitive responses. They wanted a positive engagement with perpetrators, especially parents (79%) and teachers (74%). They also suggested the creation of local response mechanisms to report to, when violence was perpetrated against them. Over half of the children approved the involvement of the police (57%).<sup>163</sup>

#### **4.4 CHILDREN'S VIEWS ON VIOLENCE AND POST-2015 DEVELOPMENT AGENDA**

During the consultations held around the world, including in Africa,<sup>164</sup> violence was recognized both as a human rights violation in itself and as a major barrier to progress in education, health and other development goals. For the many children and young people, as well as other stakeholders involved in these consultations, the message was constant and clear: violence is a major obstacle to child development and it needs to be brought to an end.

From the consultations held with children three major issues emerged:

- Children express deep concern at the high levels of violence affecting their lives: in the community; in schools; in the work place and also within the home.
- In children's views, some manifestations of violence have a special incidence in some regions of the world, while some groups of children are particularly marginalised and exposed to violence, including those belonging to minorities. In Africa, early pregnancy and harmful practices, such as child marriage and FGM/C were frequently voiced as special concerns by children; and children with disabilities were recognised as being particularly vulnerable to violence and discrimination in schools
- Children perceived violence not only as a crucial priority for the post 2015 agenda, but also a concern that other development goals need to address – especially those set for education, health, gender equality and poverty eradication.<sup>165</sup>



# 5

## THE RESPONSE – WHAT HAS BEEN DONE TO PROTECT CHILDREN FROM VIOLENCE?

*‘Governments and adults need to take action to stop violence against children, or else violent behaviour will continue to the next generation.’ ~ A child representative from Kenya during the 2<sup>nd</sup> International Policy Conference of the African Child (ACPF 2006).*

### 5.1 CONTEXT

The need to ensure every child’s right to survive, develop and thrive, including by measures to strengthen child protection, has been the target of legal reform and policy development on behalf of children in a significant number of African countries over the past decade. This chapter explores these measures, including how African governments have promoted children’s safety and well-being, and how they have advocated social and cultural norms that respect the child’s right to grow and develop in a safe, secure and loving environment.

The chapter cannot be exhaustive, and has chosen to emphasise laws, policies and programmes that respond to the recommendations of the UN Study on Violence against Children (Box 5.1).

#### Box 5.1: Recommendations of the 2006 UN Study on Violence against Children

- Strengthen national and local commitment and action;
- Prohibit all violence against children;
- Prioritise prevention;
- Promote non-violent values and awareness-raising;
- Enhance the capacity of all who work with and for children;
- Provide recovery and social reintegration services;
- Ensure participation of children;
- Create accessible and child-friendly reporting systems and services;
- Ensure accountability and end impunity;
- Address the gender dimension of violence against children;
- Develop and implement systematic national data collection and research;
- Strengthen international commitment.

Across the continent, there has been overall progress, albeit with variations and inconsistencies. The many reforms and initiatives undertaken by African governments and their non-governmental partners have taken place within a context of political and economic challenges, resource constraints, and the continuing strength of local traditions, customs and attitudes that condone violence against children.

Despite two decades of awareness-building activity on child rights, there is still ignorance, and even misgiving among many people about the idea that a child can have rights of his or her own. There remains a common misconception that parents and adults generally should have complete control over children, and that codes of discipline in which violence is used with the home are a purely private matter. While children themselves welcome the concept of rights and the special protections they imply, they are less welcomed by adults.

## 5.2 RATIFICATION OF INTERNATIONAL INSTRUMENTS

The majority of African states have ratified many international instruments which have a bearing on the perpetration of violence against children, as well as abusive or exploitative practices. These treaties and conventions provide a framework for national laws and policies affecting children, and have guided the reform of constitutions and laws affecting women and children. Although some have received widespread ratification, there is still a long way to go with others (see Table 5.1). Most have yet to ratify the Protocol to the African Charter on Human and Peoples Rights, the Charter on the Rights of Women in Africa, and the UN Convention on the Rights of Persons with Disabilities. The latter is a significant gap, since – as already discussed in Chapter 3 – children with disabilities are especially vulnerable to violence and abuse.

Most African countries have laws in place to combat trafficking and commercial sexual exploitation of children.<sup>166</sup> However, nine African states have not yet ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.

**Table 5.1: International instruments relevant to violence against children**

Name of instrument	Ratifications (including accessions) by African countries	Signatures by African countries
African Charter on Rights and Welfare of the Child (ACRWC), 1990	46	7
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003	21	26
Convention on the Rights of the Child, 1989	52	-
Optional Protocol on the Involvement of Children in Armed Conflict	39	9
Optional Protocol on Sale of Children, Child Prostitution and Child Pornography	41	7
Convention on the Elimination of All Forms of Discrimination against Women 1979	51	-
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999	23	9
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	44	5
Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, 1949	23	7
Convention on the Rights of Persons with Disabilities, 2006	31	10
ILO Convention Concerning Minimum Age for Admission to Employment (No. 138), 1973	52	
ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), 1999	52	
UN Convention Against Transnational Organized Crime, 2000	44	6
Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000	38	5
Hague Convention on Protection of Children and Co-Operation in Respect of Inter-country Adoption, 1993	14	-

The ratification of international instruments is an expression of a society's general commitment to non-violence and to adopting a rights-based approach to combating child abuse. But these intentions can only have a positive impact on children's lives when they are translated into laws and policies intended to reduce all forms of violence against children and promote social norms and values that respect children's rights.

### 5.3 CONSTITUTIONAL AND LEGAL REFORM

Violence, torture, cruelty and mistreatment are banned in almost all African Constitutions and children are protected under the general provisions of the majority – the right to freedom from torture and cruel, inhuman and degrading treatment or punishment is recognised in about 49 African constitutions<sup>11</sup> and is explicitly defined as a non-derogable right in six.<sup>12</sup> In certain countries, the constitution specifies protections for children. For example, a recent amendment to the constitution of the Democratic Republic of Congo (DRC) asserts the right of the child to be protected from abandonment and maltreatment, paedophilia, sexual abuse and accusations of engaging in witchcraft, and makes perpetrators criminally liable.

The DRC Constitution also places a duty on parents to ensure the protection of their children from any act of violence. The South African Constitution also specifically protects children from neglect, maltreatment, abuse and degradation, and asserts their right not to be treated or punished in a cruel, inhuman or degrading way.

Legal reform intended to reduce child abuse, violence, neglect and exploitation in Africa has primarily been aimed at targeting practices that include or tolerate violence or harm, and develop and strengthen protection systems and mechanisms. The process is complex as most African states contain within their legal code a number of colonial-era rules and regulations, as well as a body of traditional laws and customs. Building a coherent and comprehensive set of laws from such diverse material is a challenge. There is a long way to go before national laws in areas affecting family and personal relations including marriage and sexual consent, systems of employment and military recruitment, can be brought in line with international standards (Table 5.2).

Nonetheless, African States should undertake a comprehensive legislative review to ensure that domestic legislation relevant to children's protection from violence, including harmful practices, foreseen in statutory, customary or religious laws, is in full conformity with human rights standards, including the Convention on the Rights of the Child and its Optional Protocols and the African Charter on the Rights and Welfare of the Child. In countries with plural legal systems, the supremacy of legislation aligned with international human rights standards should be explicitly recognised in the law to avoid potential conflicts in legal interpretation and implementation.<sup>167</sup>

<sup>11</sup> Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia and Zimbabwe. See: Protecting children from harmful practices in plural legal systems with a special emphasis on Africa. Office of the Special Representative of the Secretary on Violence against Children, 2012

<sup>12</sup> Democratic Republic of Congo, Ethiopia, South Africa, Sudan, Swaziland and Uganda. See: Protecting children from harmful practices in plural legal systems with a special emphasis on Africa. Office of the Special Representative of the Secretary on Violence against Children, 2012.

**Table 5.2: Summary of minimum ages relevant to protection of children from violence**

Minimum age of employment	Minimum age of sexual consent	Minimum age of marriage	Minimum age of recruitment into the army
14 years in 20 countries	13 years in 5 countries	Above the age of 18 in 4 countries	18 years in 45 countries
	14 years in 4 countries	18 years for both sexes in 33 countries	
Above 14 years in 31 countries	15 years in 9 countries	18 years for boys only in 3 countries	17 years in 3 countries
Below 14 years in 4 countries	16 years in 16 countries	Below the age of 18 for both sexes in 4 countries	16 years in 1 country
	18 years in 14 countries	Below the age of 18 years for girls only, in 10 countries	Above 18 years in 5 countries
	Discriminatory between boys and girls in 7 countries	Discriminatory between boys and girls in 16 countries	

Source: Compiled by ACPF, 2013.

### 5.3.1 Minimum age legislation

Legal minimum ages are frequently ignored or inconsistently applied in African societies. This applies both to entry into work, whether in the formal or informal workplace. It also applies to marriage, where customary or traditional norms sanctioned by religious laws and practices prevail. Laws that set the minimum age for sexual consent and/or marriage at 18, in accordance with CRC definition of childhood, Article 21 of the ACRWC and General Recommendation 21 of the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW)<sup>168</sup>, are intended to protect children from the risks of sexual abuse and exploitation associated with early marriage.

In 14 countries in Africa, a child aged 18 years or below is considered legally incapable of giving consent to sex. Sexual contact with a child of that age therefore amounts to statutory rape and is punishable by law. However problems arise when there has been a long tradition of marriage at early ages, partly as a strategy for protection of daughters from other sexual predators; and where a difference exists between the minimum ages set for sexual consent and for legal marriage, and/or where there is ambiguity in the relevant laws. In many countries one or both of these are the case (Box 5.2).

### Box 5.2: Discrepancies arising in child marriage laws in Africa

There are three kinds of legislative approaches to prohibition of child marriage in Africa. Early marriage is a criminal offence in 25 countries. Eleven countries ban marriage below the legally prescribed minimum age and invalidate child marriages; and 18 prescribe a minimum age of marriage without expressly banning or criminalising marriage of older children. Of these 18 countries, eight prohibit forced marriage or marriage through abduction, but not early marriage *per se*.

Currently **33 African countries have set the minimum age of marriage at 18 for both girls and boys**, while in Algeria, Libya, Lesotho and Rwanda it is above 18 for both. Elsewhere in Africa, the minimum age of marriage is either gender discriminatory, or below the age of 18.

Reducing the vulnerability that results from early marriage requires not just consistent reinforcement of legally defined standards and definitions, but also programmes, services and advocacy that promote and facilitate changes in attitudes, beliefs and behaviour.

Source: compilation of The African Child Policy Forum (ACPF) <http://africanchildforum.org>, 2013

The ACRWC explicitly prohibits child marriage and allows for no exceptions. It requires States Parties to explicitly ban child marriages and set the age of marriage at 18 in their legislation. In line with this requirement, many African countries have put in place legislation to ban child marriage. Naturally, law enactment needs to be followed by effective implementation and, in turn, enforcement of laws that ban child marriage needs to be supported by socio-economic measures. Research shows that the prevalence rate of child or forced marriage is highest among girls with little or no formal education, and among households with the lowest income levels and generally most common among the poorest (and least educated) 20 per cent of any population.<sup>169</sup> Thus, in addition to necessary legal measures to promote the prohibition of child and forced marriage, governments must support communities in addressing the socio-economic situations that fuel the practice.<sup>170</sup>

The African Union (AU) recently launched a two-year campaign to End Child Marriage, focusing on 10 African countries. The aim of the campaign is to accelerate the end of child marriage in Africa by enhancing continental awareness of the harmful impact of child marriage and by taking appropriate legal, social and economic measures.<sup>171</sup> The launch is expected to give greater political visibility to the issue and galvanise support to end child marriage.

Although implementation continues to be a challenge, legislation in the majority of African countries bans both child and forced marriages.<sup>172</sup> For instance, in order to comply with its international human rights obligations, the Government of Madagascar increased the minimum age of marriage to 18 years<sup>173</sup> and included registration of traditional, or non-official, marriages under the formal legal system.<sup>174</sup> In a country where traditional marriages are more numerous than officially registered marriages, this measure is expected to contribute to the reduction of child and forced marriages.

In Egypt, important developments have taken place to protect children from early and forced marriage. With the amendment to the Children's Act (Act No 126 of 2008), the age of marriage for girls was raised from 16 to 18 years. The Act provides that no marriage contract shall be authenticated if the parties have not attained the approved age and prescribes administrative

punishment for failing to meet this condition. Implementation efforts, however, remain critical, particularly in rural areas where situations like the phenomenon of “tourist” or “temporary” marriages of young Egyptian girls to foreign men remain a challenge.<sup>175</sup>

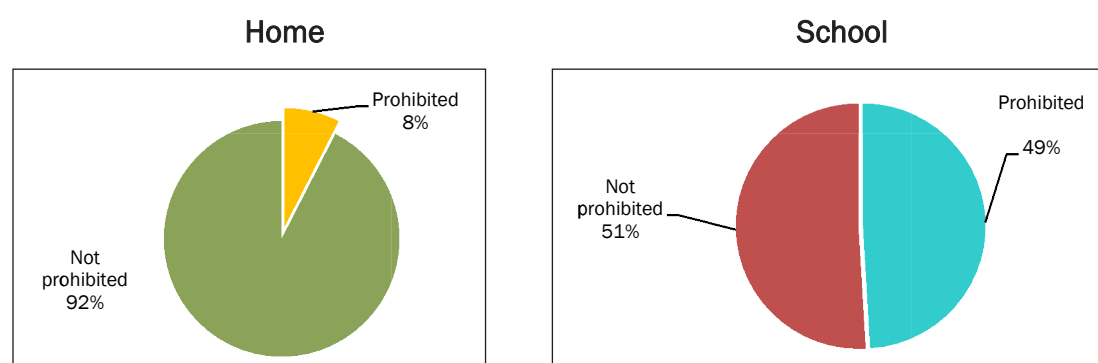
Still, shortcomings in law reform persist in a number of countries with legal pluralism, where religious and customary laws often define the minimum age of marriage according to the attainment of puberty.<sup>176</sup> A number of factors in Africa, including poverty and gender discrimination, continue to push girls into marriage even before attaining puberty.

The Addis Ababa Declaration on Ending Child Marriage in Africa<sup>13</sup> and the initiative of the Chairperson of the African Union Commission on the Campaign to End Child Marriage are crucial initiatives to spearhead action on the continent to bring this phenomenon to an end.

### 5.3.2 Laws governing corporal punishment

There is limited consensus in Africa on the abolition of corporal punishment as a means of disciplining children, whether by parents, teachers or other responsible adults. The practice is generally considered necessary for the positive development of the child, despite being condemned by international standards and by children themselves (see Chapter 4). Consequently, national laws which prohibit corporal punishment as a means of disciplining children are relatively few. Corporal punishment is prohibited in schools in around half of African countries, but rarely at home (Chart 5.1).

**Chart 5.1: Percentage of African countries where corporal punishment is prohibited**



Source: Global Initiative for Ending Corporal Punishment (2011)

Five countries— DRC, Kenya, Tunisia, South Sudan and Togo – have outlawed corporal punishment in all settings. At least 26 countries prohibit the administration of corporal punishment in schools and 8 prohibit it in the justice system. Furthermore, 48 (i.e. all African countries except Botswana, Eritrea, Libya, Mauritania, Nigeria, Somalia, Tanzania and Zimbabwe) prohibit corporal punishment as a sentence for crime, and 24 countries have abolished it in penal institutions.<sup>176</sup>

Corporal punishment is legal as a form of discipline in the home setting in many countries in Africa. Table 5.3 illustrates the provisions in Ethiopia, Sierra Leone and Swaziland.

<sup>13</sup> Adopted during the 23rd session of the ACERWC

**Table 5.3: Legalisation of corporal punishment as a form of discipline**

Country	Legal provision
<b>Ethiopia</b>	Under articles 68(b) and 576(3) of the Criminal Code (2004), the taking of physical disciplinary measures by parents or persons with similar responsibilities, for the purposes of providing a proper upbringing, is considered a reasonable exercise of the right of correction or discipline where it does not contravene the law.
<b>Sierra Leone</b>	Section 33 of the Child Act (2007) provides that correction is justifiable if it is reasonable in kind or in degree according to the age, physical and mental condition of the child, and if the child by reason of tender age or otherwise is capable of understanding the purpose of the correction.
<b>Swaziland</b>	The 2005 Constitution legalises moderate chastisement for the purpose of correction.

### 5.3.3. Prohibition of harmful practices

There has been significant progress across Africa in introducing laws to prohibit harmful practices, reinforcing the social attitude that these practices are unacceptable. So far, 28 African countries have defined FGC as a harmful practice; 21 have adopted comprehensive children's statutes that specifically forbid it, while 11 have separate statutes or policies prohibiting it.

Legislation banning FGM/C takes different forms, as countries have different approaches to its prohibition (Table 5.4). In some countries, such as Ethiopia, it is incorporated in criminal law; in others, such as Benin and Eritrea a specific law is enacted.<sup>178</sup> Most laws banning FGM provide for statutory penalties. In Tanzania, for example, FGM performed on girls under 18 meets with 5 to 15 years' imprisonment, a fine of 300,000 TZS (\$188), or both.<sup>179</sup> In Niger, although FGM/C is against the law and punishable by 6 months to 3 years in prison, aggravating circumstances are considered in sentencing; for instance, if the victim dies, the practitioner can be sentenced from 10 to 20 years' imprisonment.

Despite the large number of laws that ban FGM/C, prosecutions are very rare. This is partly because law enforcement personnel and communities may be unaware of or indifferent to the law and because victims are reluctant to testify. Without the necessary community awareness and support, a punitive legal approach may force the practice underground. The media continues to report that FGM persists in hiding and is practised even on babies. Irrespective of whether a separate criminal law or any other law such as a Children's Act prohibits FGM/C, the ultimate goal should be to develop a comprehensive legal framework that is applicable to all forms of FGM/C and all harmful practices. It is important for legislation to include measures that prevent FGM/C, protect and support the victim, provide for punishment of the perpetrator, and ensure the thorough implementation and evaluation of the law.<sup>180</sup>



**Table 5.4: Approaches to FGM/C in 11 countries**

Country	Approaches to FGM/C
Benin, Cameroon, Central African Republic, Chad, Cote D'Ivoire, Eritrea, Kenya, Niger, Nigeria, Senegal, Togo	Separate statute or policy defining FGM/C as a harmful practice
Cameroon, Chad, Eritrea, Kenya, Mali	Anti-FGM/C policies existed before inclusion of an anti-FGM/C provision in specific laws
Punishment for FGM/C where death occurs	
Benin	5-20 years imprisonment and a fine of 3-6 million francs
Eritrea	5-10 years imprisonment
Uganda	Life imprisonment. Considered aggravated FGC if practice leads to HIV infection or disability of the victim
Kenya	Death penalty
Unique provisions in anti-FGM/C laws	
Uganda	Culture, custom, religion, ritual, tradition are not grounds for defence
Kenya	Consent of the victim is not a defence
Benin, Eritrea, Djibouti	A mandatory duty to report any knowledge of the practice of FGM/C or face criminal sanctions

### 5.3.4 Laws on child sexual abuse, exploitation, trafficking and pornography

Rape and statutory rape are criminal acts in all African countries. All African states also have laws prohibiting sexual violence, abuse and exploitation. Kenya, Ethiopia, Uganda, Swaziland, Madagascar, South Africa and Zimbabwe have passed specific laws to address sexual offences committed against children and women, and have strengthened law enforcement and prosecution services.

Other countries consider an offence of sexual violence to be aggravated if they are perpetrated on children; if the victim is below 21 in Côte d'Ivoire, 18 in Burundi or 16 in Ghana, punishment is doubled. Ethiopia, Kenya, Zambia and Zimbabwe also provide for more severe punishment when the victim is a child. Ten countries in Africa (Angola, Benin, CAR, Egypt, Kenya, Lesotho, Namibia, Sierra Leone, Tanzania and Zimbabwe) have separate laws dealing exclusively with sexual offences or other acts of cruelty against both adults and children. The Sexual Offences Act in South Africa includes a wide range of crimes that commonly occur against children (sexual grooming, sexual exploitation and the use of and exposure to pornography).



A total of 30 African countries have anti-trafficking laws (although not necessarily limited to the trafficking of children) while anti-trafficking bills are pending in six more. Sixteen countries criminalise child prostitution and child pornography or both. Countries with legislation on computer-facilitated offences or cyberspace violence include Egypt, Madagascar, Mauritius, South Africa and Tunisia.<sup>181</sup>

In Madagascar, a law of 2008 provides that ‘pornography that makes use of children, in any representation and by any means, or the possession of pornographic material involving children, is punishable’. The 1966 Film and Publications Act in South Africa bans the creation, possession and distribution of child pornographic images, and also regulates internet service providers, requiring them to take measures to prevent access to child pornography.

However, in many countries, child victims of some forms of sexual exploitation are not given the status of victim in law but rather are criminalised or punished for these acts. Free medical and legal assistance, protection and compensation for child victims, are not often sufficiently provided.

The mandatory reporting for professional institutions working with children has not been systematised. Further, the extraterritorial jurisdiction with respect to all crimes involving the sexual exploitation of children is not established.<sup>182</sup>

### 5.3.5 Child protection in the justice system

Legal and practical protection from violence is necessary for children who come in contact with the criminal justice system, either as victims of crime or when they are themselves in conflict with the law. Specialised services (such as specialist police units, probation and welfare officers, and support services for child victims and witnesses) are important mechanisms for protecting children in these circumstances.

A Conference on Child Justice in Africa in November 2011<sup>183</sup> produced Guidelines on Action for Children in the Justice System in Africa – a comprehensive framework for the development of safe and child-friendly justice systems and the prevention of violence against children.<sup>183</sup> However, many African States have a long way to go to ensure the protection of children from violence when they come into contact with the justice system and in building strong child protection systems to prevent children’s involvement in the criminal justice system in the first place, as well as accelerating the shift from a punitive to a child-sensitive approach, guided by the best interests of the child.

All but six African countries (Djibouti, Gabon, Namibia, Rwanda, Somalia and Swaziland) have a specialised child-justice system where measures and processes applied to children differ from those applied to adults. Special measures include diversion and restorative justice measures; prohibition of the death penalty and corporal punishment as sentences for crime; and the requirement not to detain children with adults, but instead to send them to reformatory institutions where they can learn skills and be reintegrated into society without compromising their psychological or physical well-being. Diversion, which allows children in conflict with the

<sup>14</sup> The Kampala Conference on Child Justice was hosted by ACPF and Defence for Children International (DCI), with the support of the Government of Uganda and the Special Representative of the Secretary General on Violence against Children

law to be handled outside the formal justice system and redirected to the community for rehabilitation, reformation and reintegration, is becoming an important element of child law reform efforts in Africa.<sup>184</sup>

Specialised services for children in conflict with the law require a clear definition of the minimum age of criminal responsibility. A total of 16 African countries still have an age of criminal responsibility lower than 12, contrary to the recommendation of the UN Committee on the Rights of the Child (General Comment No. 10 of 2007). The highest minimum age of criminal responsibility in Africa is 16, and applies in Cape Verde, Equatorial Guinea, Guinea Bissau, Liberia, Mozambique, and São Tomé and Príncipe.

Urgent efforts are needed to spearhead the implementation of the Guidelines on Action for Children in the Justice System in Africa – which provide a comprehensive framework for the development of safe and child-friendly justice systems and the prevention of violence against children.

### 5.3.6 Customary law and protection from violence

People in most African communities have little recourse to the formal mechanisms of the law, relying mainly on customary law and traditional justice systems for dispute resolution. African justice of the traditional kind aims at the ‘preservation of social or interpersonal harmony, with a focus on the harm suffered, collective responsibility, reintegration of the offender, and peaceful resolution of disputes’.<sup>185</sup> Customary laws and traditional justice systems can be less helpful when it comes to harmful traditional practices, which they may continue to sanction. According to Penal Reform International:

Members of some sections of the community – for example women or young people – are likely to be put at a disadvantage in relation to more powerful members, such as elder men, particularly as the arbitrators themselves may be chiefs, elders, and religious leaders. This is the major weakness of the informal process. The element of compromise inherent in the system tends to reinforce existing social attitudes whether desirable or not. These include actual customary and religious norms which may discriminate on the basis of social status including gender, caste, age and marital status.<sup>186</sup>

While laws concerning children should always be viewed in the context of African concepts of justice, the latter cannot be used to justify harmful ritualistic acts on children such as FGM/C, scarring, or pain-inflicted exorcism of evil spirits. Though such practices may be employed with the intention of creating social cohesion, or conferring a benefit such as purification, they amount to violence.<sup>187</sup>

The African Charter on the Rights and Welfare of the Child (ACRWC) therefore distinguishes between positive cultural practices and those that are clearly harmful. Since traditional justice systems, or informal systems, are grounded in community norms and implemented by community sanction, they are potentially positive mechanisms for providing protection to children, especially where they can be backed by the law and formal justice system. Where possible, the violent aspects of traditional rituals need to be abolished while retaining the more positive cultural values. Laws and policies that exhibit an inherently African approach to children’s rights, reflecting the cultural and religious diversity of the continent while providing safeguards and protection to children, are to be commended.

Efforts to further harmonise traditional/informal and formal justice systems can expand children’s protection by allowing legislators and practitioners to borrow from each other. For example, the Sierra Leone Children’s Act introduces the concept of a Chiefdom Child Welfare Committee bringing together actors from the formal and informal systems to strengthen child protection mechanisms at village level.

## Violence against Children in Africa and Some Reflections on Child Protection

The 2006 UN Secretary General's ground-breaking *World Report on Violence against Children* (the "UN Study") reminded us that no violence against children in any form is acceptable and that all violence is preventable. UNICEF places the prevention and response to violence against children at the core of its agenda, recognising the far-reaching consequences of violence on children's survival, protection and development.

The "Africa Report on Violence against Children", from the African Child Policy Forum, makes an important contribution to the existing knowledge base on violence against children on the continent. Increasingly, African Governments are taking the initiative to find out what is happening to children in their countries in relation to their experiences of physical, sexual and emotional violence, and, crucially, are committing to act on the evidence. To date, with technical assistance from UNICEF and the Centers for Diseases Control (CDC), Governments in Swaziland, Tanzania, Kenya, Zimbabwe, Nigeria and Malawi have undertaken household surveys to measure prevalence levels of childhood violence. The findings are dramatic in the consistency of their findings: typically 1 in 3 girls and 1 in 7 boys have experienced some form of sexual violence in their childhoods.

Building on our experience so far, UNICEF will continue to support Governments to build the evidence base and develop routine administrative data collection systems to better track the scope and scale of violence children experience. Strong statistical evidence, generated through rigorous methodologies, linked to government leadership that engages all key sectors, is playing a transformative role in not only unveiling national prevalence rates to break the silence around violence but in raising the awareness of the importance of investing in violence prevention and response services. Establishing evidence of the nature and size of the problem is shaping more targeted responses across the social welfare, health, education and justice sectors and re-invigorating the operationalisation of pre-existing laws and policies related to children's protection from violence. Evidence generated by these surveys demonstrates the urgency with which action is required and is significantly contributing to increased political engagement and resource allocation.

Africa has often been perceived as a continent where children are disproportionately exposed to violence – whether through armed conflict, harmful traditional practices like FGM/C or the consequences of neglect and abandonment like children living and working in the street. ACPF's Report is a Call for Action – and one to which Africa is responding. The legislative and policy frameworks reviewed in this report highlight the degree to which violence against children is criminalised across the continent. Moreover, the African Union is leading major initiatives to address children's protection from violence, including by armed conflict and harmful practices such as child marriage. This report will significantly contribute to the AU's Report on an "Africa Fit for Children". The priority now is for us all to translate our commitment and understanding of the issues into effective action. We need to better build on what we know and strengthen national systems of protection to prevent and respond to all forms of violence affecting children's lives. UNICEF is committed to join hands with Governments across the continent alongside civil society partners, faith-based organizations, communities, including children themselves, and other key stakeholders to make protection from violence a priority.

*Manuel Fontaine, UNICEF Regional Director, West and Central Africa*

## 5.4 POLICY AND SYSTEMS DEVELOPMENT

Over the last few years, African governments have made commendable efforts to integrate policies and programmes for child protection into national development plans. This move has been supported and encouraged by the bodies set up at national level to monitor implementation of the CRC and the ACRWC and promote progress towards implementation. Regional participation in the UN Study on Violence against Children also had a stimulating effect on child protection policy debates.

Most African countries have developed National Plans of Action (NPAs) and established national mechanisms to coordinate implementation of child-related policies. Eight African countries<sup>188</sup> are addressing violence against women and children as part of their national development strategies. A detailed National Plan of Action (NPA) on Violence against Children has been developed by both the Governments of Madagascar (2008–2012) and the Government of Tanzania (2013–2016). In 2011, South Africa established a National Advisory Council on Gender-Based Violence. The Government of Zambia has also developed and implemented a National Action Plan for the Elimination of Gender-based Violence against Women and Children (2008–2013).

### 5.4.1 The process of policy development and implementation

The 2006 UN Study found that strategies to address violence against children were fragmented, and this continues to be an area where much remains to be done. A recent study undertaken in West Africa indicates that policy development and implementation are hindered by the same factors that constrain law reform: fragmentation, dispersal and weakness of implementation bodies; contradictions and uncertainties within and between policies; and poor popularization, leading to limited awareness amongst duty-bearers and rights-holders.<sup>189</sup> This reaffirms findings from the 2013 Global Survey in that several governments acknowledge that existing frameworks are incomplete or in some stage of development. They also acknowledge the lack of sectoral policies to address violence in distinct settings and, where such policies are in place, they are not pursued in a well-articulated manner. The vast majority of countries lack monitoring mechanisms to assess progress, and evaluations of implementation efforts are rare.

Where mechanisms are in place to address violence against children, they are often poorly coordinated, with inadequate or non-existent communication across government departments and between central and local authorities. In a number of countries, multiple coordination bodies have been established, but collaboration between them tends to be uneven.<sup>190</sup> In Botswana, Cameroon and Nigeria, for example, national bodies established to co-ordinate government efforts on children's rights have remained inactive, mainly due to lack of human and financial resources, although new legislation is underway in all three countries to strengthen child protection.

Since publication of the UN Study on Violence against Children, there have also been initiatives by national governments, supported by international donors, NGOs and civil society organisations, to develop, extend and strengthen policies addressing violence in schools, particularly against girls. UNESCO published the results of research across 15 African countries in 2011 showing continuing high levels of sexual harassment, bullying and violence in schools.<sup>191</sup>

A model policy for prevention, management and elimination of violence against girls in schools, developed with assistance from Action Aid, has been piloted in Malawi, Senegal and Ghana and widely disseminated throughout Africa.<sup>192</sup> The policy sets out roles and responsibilities for the various stakeholders in the education sector in terms of prevention, identification and reporting of violence against girls; assistance for those suffering from violence; dealing with perpetrators; and capacity-building for the prevention of violence in schools. It includes the setting up of a national monitoring body made up of stakeholders in the education sector, and its empowerment to monitor progress in the prevention and elimination of violence against girls in schools.

Legislative and policy advocacy efforts were also undertaken in many countries by civil society groups (see Box 5.3).

### Box 5.3: Evidence based advocacy to influence policy processes (South Africa)

Shukumisa is a grouping of 27 CSOs that came together around a specific issue related to violence against women and children. The government had planned to abolish the specialised (pilot) Sexual Offences Courts (with trained prosecutors, intermediaries to assist children testify, and specialised equipment to reduce trauma to victims who give evidence). With pressure mounting with evidence of increases in violent sexual offences against women and children, and the generally poor conviction rates when perpetrators were brought to book, Government backed down on its plans of abolishing the courts. When brief legislative amendments were tabled to introduce provisions to allow the Justice Minister designate specialised sexual offences courts, the groupings pooled expertise to draft a substantial critique of the insufficiently detailed and precise legal provisions, and to propose substantially augmented provisions, based on their collective wisdom and practical field experience in services and programme to survivors. The grouping aims to influence this specific amendment bill in such a way as to improve responses in the judiciary and associated role players to criminal cases involving violence against children.

Source: ACPF (upcoming-2014)<sup>193</sup>

## 5.4.2 Developing national child protection systems

National governments, together with UN and NGO partners, are increasingly adopting holistic child protection approaches designed to improve responses to violence, abuse, and exploitation of children. The holistic approach embraces a national framework for legal and policy reform; institutional capacity-building; community engagement; and sub-systems for planning, budgeting, monitoring and information. This approach represents a shift from single-issue approaches towards more programmatic and cross-cutting interventions which will hopefully capture all levels and geographical areas in the country in question.

Although child protection systems in most African countries are still weak and under-developed, most governments have initiated some degree of service strengthening, reflecting local realities and complexities (Table 5.5). Some governments are also working with NGOs in an Inter-agency Group on Strengthening Child Protection Systems in sub-Saharan Africa. This aims to develop expertise and agreement on child protection methods and approaches and disseminate best practice.<sup>194</sup>

### 5.4.3 Emerging models

There are various emerging child protection models that African governments are adapting to their specific country contexts. These are as follows:

- **Protected communities:** this approach is most often applied in emergencies and post-conflict situations (e.g. DRC);
- **A continuum of care:** a range of services from prevention to protection (e.g. Zambia, Guinea Bissau, Senegal, Ethiopia, Malawi, Swaziland and Ghana);
- **A minimum service package:** the package includes basic health care, child protection and measures for social protection such as cash transfers, reduction of user fees for basic services, pensions and family support to reduce extreme vulnerability to poverty (e.g. the SADC countries and Rwanda).

Using existing child protection models as entry points, many countries are now moving towards a systems approach to child protection. The approach has also won the support of the ACERWC and efforts are currently being made to introduce a systems lens into the guidelines for reviewing States Parties reports to the African Charter. The systems approach to child protection does not aim to provide a blueprint, but the following generic elements are identified as the minimum essentials to build an effective child protection system:

- appropriate policies, legislation and regulations;
- well-defined structures and functions and adequate capacities, including adequate funding;
- supportive social norms;
- effective promotion, prevention and response actions;
- high quality evidence and data for decision-making.



Table 5.5: Status of child protection systems, July 2012

26.7.12	Coordination body in place	Mapping	Strategy document	Costed	Priorities identified	Priorities underway	Financing mechanism
	<b>Green</b> = in place						
	<b>Yellow</b> = in progress						
	<b>Red</b> = not yet in place or only planned						
Angola	Green	Yellow	Green	Green	Green	Green	Red
Benin	Green	Green	Green	Yellow	Green	Green	Red
Burkina Faso	Green	Yellow	Red	Green	Green	Green	Green
Burundi	Green	Green	Yellow	Yellow	Green	Green	Red
Cameroon	Green	Yellow	Red	Red	Red	Red	Red
Cape Verde	Red	Red	Red	Red	Red	Red	Red
Côte d'Ivoire	Green	Green	Yellow	Red	Red	Green	Green
Ethiopia	Green	Yellow	Yellow	Red	Yellow	Green	Green
Ghana	Green	Green	Red	Red	Red	Red	Red
Kenya	Green	Green	Green	Green	Green	Green	Green
Liberia	Green	Red	Red	Green	Green	Red	Red
Malawi	Green	Green	Green	Yellow	Green	Green	Green
Mauritania	Yellow	Green	Yellow	Yellow	Green	Green	Green
Mozambique	Green	Yellow	Red	Red	Red	Red	Red
Namibia	Yellow	Green	Red	Red	Green	Green	Red
Niger	Green	Green	Green	Yellow	Green	Green	Yellow
Nigeria	Green	Yellow	Yellow	Red	Red	Green	Red
Rwanda	Green	Red	Red	Red	Red	Red	Red
Senegal	Green	Green	Yellow	Red	Green	Green	Red
Sierra Leone	Green	Green	Yellow	Red	Yellow	Red	Red
Somalia/ Somaliland	Green	Green	Yellow	Yellow	Red	Red	Red
Tanzania	Red	Green	Green	Red	Green	Green	Green
Uganda	Green	Yellow	Green	Red	Green	Green	Red
Zambia	Green	Green	Red	Red	Green	Green	Green

Source: Interagency Group on Strengthening Child Protection systems (2012). *Strengthening Child Protection Systems in Sub-Saharan Africa: A Working Paper*.

The systems approach to child protection has a number of advantages: firstly, it responds better to the principle of the indivisibility of rights and the interrelatedness of child protection concerns. Secondly, it elevates child protection to a higher status as a national human development concern. Thirdly, by ensuring an effective interface between formal and informal child protection mechanisms, it implicates everybody as a child protection actor, hence enhances local ownership and relevance of child protection efforts. Because of its strong focus on prevention and better collaboration amongst child protection actors, the systems approach also allows for better synergy in resource utilisation.

One of the weaknesses limiting existing child protection mechanisms generally is inadequate human resource capacity. Investment in training and expanding child protection officer cadres will be critical to system expansion. At least 20 African countries have mapped their staff capacity, and initial investments have included gap analyses in Namibia, Malawi, Tanzania and Lesotho; social work workforce assessments in Kenya, Malawi and Nigeria; and revision of social work curricula in Malawi, Nigeria and Rwanda. South Africa is developing a national risk assessment toolkit and training programme to help social workers identify and respond to child abuse, neglect and exploitation.

#### **5.4.4 Reducing children's vulnerability through social protection**

Over the past decade, there has been growing recognition that rising vulnerability and persistent poverty in Africa cannot be eliminated merely by boosting economic growth and providing relief in conditions of extreme scarcity. Accordingly, a new policy approach known as 'social protection', designed to maintain food consumption for people in difficulty, prevent the already vulnerable from slipping into acute distress, and enable households to develop basic livelihoods, has been developed.<sup>195</sup> The centrepiece of social protection is cash transfers or benefits, to which families in difficult circumstances are given entitlement according to agreed criteria.

Adopting a social protection policy can be seen as a way of preventing families in stress from the kind of vulnerabilities that lead to child abandonment, the removal of children from school, child labour, early marriage, and other situations that are conducive to violence and exploitation. So far, studies of the association between social protection and positive child protection outcomes are limited. However, a recent review<sup>196</sup> indicates that there is a positive impact. The study identifies direct impacts, indirect effects produced by poverty reduction, and improvements in child protection services.

In 2008, a Social Policy Framework for Africa was developed, reflecting an increased political commitment from governments and donors to integrate social protection into national development plans and strategies (Box 5.4).<sup>197</sup> Programmes rapidly proliferated; a review undertaken in 2010 by the World Bank identified 123 cash transfer programmes in 34 African countries.<sup>198</sup> Among these are many examples of effective government-led social protection models which help bolster the capacity of families and communities, including their capacity for child protection.<sup>199</sup> (See below, under programmes and services.)

### **5.5. CHILD PROTECTION PROGRAMMES AND SERVICES**

Since 2006, when the UN Secretary-General's Study on Violence against Children was published, governments, NGOs and civil society organizations in Africa have increased their efforts to prevent and respond to violence against children. As well as developing a stronger legal and policy framework, efforts have been made to strengthen child protection services and programmes and advocacy has been undertaken to encourage the transformation of social attitudes, community practices and family behaviour.



A wide range of programmes and projects has been developed, many of which network with each other under the umbrella of national child protection co-ordinating bodies. Together, these offer a multi-faceted response to the need for child protection. This section highlights programmes and services of special relevance.

### 5.5.1 Birth registration

The registration of a child's birth confers on the child a status in law and a public existence in the context of access to services, rights and entitlements. Difficult though it may be to explain persuasively to uneducated parents living in traditional environments the necessity to register their child at birth, the action is also the first step in protecting the child from future vulnerability leading directly or indirectly to abuse or exploitation. Birth registration can thus be described as a cornerstone of child protection.

The existence of a birth certificate makes possible the delivery of appropriate child health and education services; in some countries, it provides a passport to immunization or school enrolment. It also facilitates the application of laws and regulations concerning minimum age. Thus, birth registration can help prevent early marriage, under-age entry into the workplace, and recruitment into military forces. A birth certificate can also enable children in conflict with the law to access appropriate juvenile justice systems. In the case of family separation, it facilitates reunification.

Despite efforts by UN and NGOs to improve birth registration, Africa still has a poor birth registration rate. The average is 44 per cent, ranging from 99 per cent in Egypt and 95 per cent South Africa to 3 per cent in Somalia.<sup>200</sup> To improve this, some countries are using new technology to improve coverage. In 2011, for example, the Ugandan Registration Services Bureau conducted a nationwide campaign to improve birth registration. The computerised system was based on the use of mobile phones to deliver timely records of births (and deaths) via text message to a central server in the capital city of Kampala.<sup>201</sup>

### 5.5.2 Addressing corporal punishment in the home

Efforts are being made to identify traditional systems of disciplining children that do not include corporal punishment. Such methods need to be promoted among parents, for example via Child Protection Committees in communities and neighbourhoods (see below).

Some parents in Africa do practice non-violent and positive disciplining methods to encourage desirable behaviour through provision of positive influence. In Zambia, for example, when children misbehave, individual discussions between the child and the caregiver, locally known as '*Ukukalipilaumwana*' are undertaken to prevent further undesired behaviour. The discussion has the intent of educating the child, and has elements of warning and expression of disappointment (see Box 5.4).

### Box 5.4: Effective non-violent alternatives to corporal punishment

1. Think about your long-term goals such as teaching respect and non-violence, in order to avoid short-term reactions, like hitting and yelling.
2. Remember that your child needs to feel respected, understood, safe and loved to grow. Children need to practise their growing skills safely, without being hit or criticized when they make mistakes.
3. Ask yourself: What does your child need to understand for the situation to be resolved? What can you do in this situation to help you reach your long-term goals? If you talk with your children, listen to them and try to understand their point of view, you will be a much better teacher. Children are more likely to respect your limits if you act respectfully towards them, so **understand the child's point of view** and **communicate clearly and respectfully**.
4. **Re-examine your child's feelings, thinking and expectations** at different ages and levels of cognitive development. For example, it is futile to punish a baby for crying or punish a toddler who runs into the road. See the situation through your child's eyes and think about it through your child's mind. Ask yourself: How would your child describe the situation?
5. **Respond** in a way that shows respect for your child, provides useful information and leads you toward your long-term goals. The response may be using **positive reinforcement** through praising children when they do things well and show self-discipline often on the basis of rules of 'consequences' agreed upon with children. This would help them understand and 'own' the justification for the rules and also make the consequence of breaking or respecting the rules meaningful to them. Or it may be resorting to **guidance and counselling** by having a consultation with a relative or an older person in the family or community with whom the child has a special relationship, or whom the child respects. Or it may be to hold **family meetings** involving those affected by the offences of the child, and engaging with them to find solutions together.
6. Be a good **role model** of peace and non-violence by consistently demonstrating good behaviour to your children.
7. **Prompt intervention by community elders** in cases of excessive beating of children by their mothers or fathers (and that of wives by their husbands). Such community practices multiply sources of protection from which children can benefit.

Sources: ACPF (2012)<sup>202</sup> Save the Children (2011)<sup>203</sup>

### 5.5.3 Addressing violence in schools

Schools should be safe spaces for children, where their personal, social, cognitive developments are nurtured by adults charged with their well-being. Schools also provide a discrete setting where a structured violence-reduction programme, targeted at staff and pupils alike, can be put in place. Improving the quality of education by changing the behavioural culture in schools to build a generation that repudiates violence as a personal code has therefore been promoted in several countries.

Initiatives in West and Central African countries have required comprehensive activity in both the education and social welfare contexts.<sup>204</sup> Some programmes incorporate national implementation of global initiatives (for example, the *Stop Violence against Girls in School Campaign* and the *Global Campaign to End Violence in Schools*). The main focus of these programmes has been capacity-building for teachers, educators, parents and school management committees; developing Codes of Conduct and professional ethics; elimination of corporal punishment; training in the use of non-violent disciplinary methods; development of safe environments in schools; development of reporting and accountability mechanisms; and institutionalizing non-violent teaching methods.

#### 5.5.4 Community-based child protection

National child protection systems, as a means of extending their outreach and effectiveness, have fostered the development of community-based mechanisms for child protection, such as Child Welfare or Protection Committees. These neighbourhood-based groups act as the primary protection system against violence and abuse, mediating conflicts, discouraging severe punishment or abuse, and taking other steps to promote children's safety. Many efforts are being made to link statutory protection systems with existing community mechanisms based on kin-networks, local leadership and customary practices (Box 5.5).

##### Box 5.5: Examples of linking community-led and formal child protection systems

In Rwanda, 12 civil society 'umbrella' organisations have been established with responsibility for ensuring equitable distribution of preventive and protective services.

In 2007, Sierra Leone established Child Welfare Committees as officially authorised, state-empowered structures for the protection of children, assigning them roles, responsibilities and coordination functions.

A 2011 World Vision assessment showed that the children's clubs and mothers' child welfare committees with which the organisation works are also state-approved local structures in Sierra Leone, with the potential to help bridge the gap between informal and formal Child Protection systems.

In Angola, child protection committees consisting of parents, teachers, local government workers and children are considered one of the most effective child protection network models.

In Uganda, Child Protection Committees (CPCs) have been established in at least 20 districts. The members of the CPCs are trained in basic child protection and organise community dialogues around child protection issues and how communities can protect their children. CPC members identify cases of child abuse, neglect, violence and exploitation and refer them to the local authorities, such as police or local councillors, who are mandated to take action.

In Burkina Faso, Terre des Hommes supports provincial- and community-level child protection networks that address child exploitation trafficking and abuse. The provincial network includes representatives from the sectors of health, justice, social action, social services, education and civil society; while the community networks include village development counsellors, chiefs, religious leaders, and children.

Sources: Oak Foundation, Plan International, REPSSI, RIATT, Save the Children, Terre des Homme, The African Child Policy Forum, UNICEF and World Vision (2012). Strengthening Child Protection Systems in Sub-Saharan Africa

#### 5.5.5 Social protection and family support programmes

Social protection programmes delivering cash transfers of various kinds now reach a significant number of poor households in Africa (Table 5.6). Even where programmes do not target children specifically, the family support benefits tend to strengthen the child's protective environment by reducing social exclusion. For example, the *Kalomo Pilot Social Transfer Scheme* in Zambia,

which provides cash transfers to the poorest 10 per cent of households in designated districts, strengthens child protection by supporting family welfare. Old-age pensions paid in SADC countries enable grandparents to care for HIV-affected orphans.

**Table 5.6: Selected social cash transfer programmes in Africa**

Country	Programme	Agencies
Botswana	Old Age Pension (OAP) Destitute Support	Government Government
Ethiopia	Productive Safety Net Programme (PSNP) Meket Livelihood Development Project	Government + donors NGO (Save the Children)
Ghana	Livelihood Empowerment Against Poverty (LEAP)	Government + donors
Kenya	Hunger Safety Net Programme (HSNP) Cash Transfers for Vulnerable Children	Government + donors Government + donors
Lesotho	Cash & Food Transfers Pilot Project (CFTPP) Old Age Pension (OAP)	NGO (World Vision) Government
Malawi	Food & Cash Transfers project (FACT) Dowa Emergency Cash Transfers (DECT) Social Cash Transfer Pilot Scheme	NGO (Concen Worldwide) NGO (Concern Worldwide) Government + donors
Mozambique	Food Subsidy Programme (PSA)	Government
Namibia	National Pension Scheme (NPS) Disability Grant	Government Government
South Africa	Child Support Grant Old Age Pension Disability Grant Foster Child Grant Care Dependency Grant	Government Government Government Government Government
Swaziland	Emergency Drought Response (EDR) Old Age Grant (OAG)	NGO (Save the Children) Government
Zambia	Social Cash Transfer Pilot Project (5 districts) Public Welfare Assistance Scheme (PWAS)	Government + donors Government

Adapted from Devereux S, Cipryx R: *Social Protection in Sub-Saharan Africa: A Regional Review* IDS/CSP/FF (2009)

Social protection programmes are more likely to have a positive impact on child protection when they have explicit child protection objectives. Cash transfers can directly reduce child labour, improve school attendance, encourage birth registration, and prevent child marriage especially where conditions are attached. They can also be used to facilitate parental care by improving household resources and reducing family fragmentation (Box 5.6). It appears, however, that although social transfers can and do reduce risk and vulnerability, they have had a more limited impact on preventing violence and abuse.<sup>204</sup>

### Box 5.6: Kenya's Orphans and Vulnerable Children Programme

The Orphans and Vulnerable Children Programme, instigated in 2004, opened a third phase in 2010. Households in extreme poverty with orphans or vulnerable children were targeted, and a transfer provided of around USD 26 per month.

The objectives of the programme included: keeping orphaned and vulnerable children within their families; facilitating investment in health and schooling; reducing mortality and morbidity among children under five; strengthening school enrolment and attendance by children aged six to 17; and ensuring birth registration.

Evaluation of the second phase showed that the programme had increased ownership of birth registration certificates by 12 per cent and contributed to raising the living standards of families, allowing them to provide better care to orphaned children in their households.

Sources: Barrientos, A., Byrne J, Villa JM, Peña P. (2013). *Social Transfers and Child Protection, Working Paper 2013-05*. UNICEF Office of Research, Florence; Ward, P. et al for UNICEF. Cash Transfer Programme for Orphans and Vulnerable Children (CT-OVC), Kenya, Operational and Impact Evaluation 2007-2009.

Other types of family support include the more traditional kinds of programmes inherited from the old colonial regimes, where support is given to parenting. Examples include South Africa, with the Child Support Grant, Foster Child Grant, and Care Dependency Grant targeting the most vulnerable children, and supplemented by a national Home Visiting programme aimed at strengthening effective parenting.

#### 5.5.6 Early Childhood Care and Development Services

Early childhood care and development (ECCD) services aim to provide comprehensive support for early childhood development, including nutrition, early stimulation, supervision of children whose mothers have to work, and preparation for enrolment in primary school. They may also have a direct impact on child health, and on parent-child interaction. These attributes help to create a family environment less susceptible to violent or abusive relationships.

A significant body of research proves the serious impact that neglect, abuse and exploitation has on young children.<sup>206</sup> For instance, advances in neuroscience, molecular biology, and genomics, have converged on three compelling conclusions:<sup>207</sup>

- Early experiences are built into our bodies.
- Significant adversity at this stage of children's development can produce physiological disruptions or biological "memories" that undermine the development of the body's stress response systems and affect the developing brain, cardiovascular system, immune system, and metabolic regulatory controls.
- These physiological disruptions can persist far into adulthood and lead to lifelong impairments in both physical and mental health."

At the same time, there is also growing evidence of the benefits of early childhood intervention programmes for the prevention of violence in early years and across the child's life cycle.<sup>208</sup>

Given that ECCD can bring impressive returns on investment to the public and contribute so much to improving both educational and protection outcomes, it is unfortunate that less than 15 per cent of African children aged 4–6 are enrolled in early childhood programmes. In nearly all African countries, governments allocate less than 1 per cent of recurrent education budgets and less than 5 per cent of recurrent health and social services budgets to ECCD. The largest proportion of ECCD services is contributed by communities and civil society organizations. However, about 20 African countries have developed national ECCD policies since the launch by the World Bank of the Africa Early Childhood Care and Development (ECD) in 2008 in Senegal.<sup>209</sup> This programme was launched with the primary purpose of helping countries integrate ECCD into Education Sector plans.

### **5.5.7 Police training and the promotion of child protection**

Children who come into contact with the law, whether because they have been abandoned and are working or living on the street, or because they are witnesses, victims or perpetrators of crimes, are frequently subject to brutality and violence by the security forces. In order to improve their understanding of children's rights, and to make practical changes in the way children and adolescents are handled by the police, various initiatives have been launched. These include training workshops for police forces in which they are sensitized to child protection issues.

In Ethiopia, a national Child Legal Protection Centre has been established. Some governments, for example that of Liberia, have established specialised women's and children's units within police forces to address domestic abuse, sexual violence and crimes against children. In South Africa, sexual offences courts have been established across the country whose purpose is to reduce further traumatisation of victims by employing victim-friendly practices. In Mozambique, 200 Police Victim Support Centres have been established to assist children and women survivors of violence, abuse and exploitation. In Tanzania, the Government launched a National Action Plan for Police Gender and Children's Desks (2013-2016) to strengthen the police response to GBV and child abuse. In 2011 Save the Children, in collaboration with the Child Protection Unit of the Department of Social Welfare, established the first One Stop Centre (OSC) at Mnazi Mmoja Hospital in Stone Town, Zanzibar. The Centre consists of a 3-room unit of police officers (without uniform); medical personnel and counsellors who provide health, legal and psychosocial services to survivors of violence 24 hours, 7 days a week. Five other Centers have also been established in two other towns.<sup>210</sup>

### **5.5.8 Shelters and psychosocial assistance**

Response services for child victims of violence and abuse have been established in many African countries, although many of these are supported predominantly by civil society organizations. South Africa has established a network of Thuthuzela Care Centres (TCC) – 'one-stop' hospital-based centres for medical, legal and counselling support for abused children and women – in communities countrywide. The centres operate in public hospitals located in communities where rape levels are particularly high, and are linked to sexual offences courts staffed by prosecutors, social workers, investigating officers, magistrates, health professionals, NGOs and police. The centres themselves are managed by inter-departmental teams comprising Justice, Health, Education, Treasury, Correctional Services, Safety and Security, Local Government, Home Affairs and Social Development departments, together with designated civil society organisations. There is clear evidence that these facilities have improved the process of reporting and prosecuting rape and other sexual offences, and contributed to reducing secondary trauma among survivors. So important are they to the country's fight against sexual violence and HIV and AIDS that the Government of South Africa is establishing more centres to strengthen implementation of its Domestic Violence Act and Sexual Offences Bill.



In some countries, drop-in centres for street children are operated under the umbrella of social welfare services, but more often such services are provided in by NGOs. Malawi's social services operate a centre offering legal aid and vocational training for victims of trafficking and sexual assault, in addition to medical care, shelter, food and counselling services.<sup>211</sup> In Nigeria, the Ministry of Women's Affairs and Social Development manages shelters for female abuse victims, providing basic medical assistance, counselling services, and links to legal and police assistance. Child helplines have been set up in 27 countries in Africa (Box 5.7).

### Box 5.7: Child Helplines: The Voices of Children and Young People in Africa

As of April 2013, 30 organizations in 27 African countries are members of the Global Network of Child Helplines. Most such helplines are operated by NGOs, but some are situated within government institutions responsible for child protection. The establishment and maintenance of helpline services can enable those in danger of violence to have prompt access to specialised services, including advice, counselling, and referral to safe locations. However, the practicalities of operating child helplines outside cities and suburban neighbourhoods in Africa present many problems.

The age of children accessing helplines in Africa is generally higher than the worldwide average. Around 10 per cent of calls come from children under 12, a quarter from those aged 13-15, and around 30 per cent from those aged 16-17. The number of calls has rapidly risen in recent years. The highest number focused on abuse and violence (29%); sexuality and sexual awareness accounted for 12 per cent, homelessness for 10 per cent and HIV/AIDS, 7 per cent.

An example of a helpline is that in Togo. As part of a suite of measures for tackling violence against children, a helpline known as 'Allo 111' has been established in the Ministry of Social Action and National Solidarity. The helpline operates as the starting point for a chain of actions to protect children, including referrals, investigations and prosecutions. Its intent is to give children an opportunity to be listened to in a safe manner.

Helplines can also play a useful role in enabling children to feed directly into information-gathering concerning violence against them. In some limited environments, they help the exposure of perpetrators such as traffickers, and the presence of high-risk locations. They also illuminate emerging issues of child protection. Apart from abuse and violence, these include homelessness, running away, meeting basic needs, commercial and sexual exploitation and access to basic services.

Source: Child Helpline International (2013). *The Voices of Children and Young People in Africa*.

#### 5.5.9 Combating mobile and online violence

Mobile subscription coverage is 63 per cent in Africa, and young people's access to mobile phones is also increasing, making the use of helplines more practicable. Africa is also the continent with the highest growth rates of mobile broadband, an increase from 2 per cent in 2010 to 11 per cent in 2013.<sup>212</sup> Internet use is also increasing according to a youth-led survey by ECPAT, and is estimated at 16 per cent.<sup>213</sup>

The ECPAT survey carried out by ECPAT in Togo, Uganda, Kenya, Cameroon and Gambia showed high levels of usage of internet and mobile phones among those aged 12-18. Young people's internet use generally takes place outside the home, mainly in cybercafés, a circumstance that exacerbates the lack of parental guidance and supervision. Young people are gaining increased opportunities for education, information sharing, social networking, participation and civic engagement; but the internet has also increased certain risks for children, and particularly the risks of unwanted sexual solicitation that may lead to abuse, harassment and bullying.

The legal provisions that protect children from being exploited through child abuse images are typically under penal codes that criminalise pornography. In South Africa, cyber-bullying and texting are covered by common law definitions of criminal offences and civil law remedies of cases. If applied effectively existing laws, anyway in South Africa, would probably be sufficient to cover the types of offences that arise from children's use of ICT.<sup>214</sup> But the problem is new and programmes to address or prevent child abuse through ICT are only now emerging. In most cases, ICT is also the vehicle for reporting of on-line harassment.

Services include helplines provided through mobile phones and texting in Kenya; violence reporting through SMS in Benin; and awareness campaigns such as the Girls' Net campaign in South Africa, and one for parents called 'Keep your Chats Exactly That'.<sup>215</sup> On the part of parents, caregivers and teachers, however, there is still a general lack of understanding of children's usage patterns and their implications, both positive and negative.

## **5.6 PROGRAMMES FOR PARTICULARLY VULNERABLE CHILDREN**

### **5.6.1 Children living or working on the street**

Many projects for street children are, by their nature, small-scale, focusing on specific groups of children in specific locations. However, higher proportions are linked to other projects and programmes through street child and child protection networks set up under the auspices of governments and international donors. There has been a concerted drive in recent years towards co-ordinating approaches and sharing best practice, while respecting that all successful interventions with street children are bound to involve case work for individual children, many of whom have suffered trauma and can be severely disturbed.

In some countries, governments have articulated overall policy principles for programmes and projects directed at street children; but provision of services is almost invariably undertaken by NGOs (see Box 5.8). In Zambia, for example, the YMCA Street Kids Project provides feeding programmes for children as well as literacy classes, drama and sports. Although the government has not articulated a specific policy on street children, it is supplementing NGO activity by support for skills development and rehabilitation.<sup>216</sup>

### **5.6.2 Commercial sexual exploitation of children**

Increasing attention is being paid to the growing problem of commercial sexual exploitation of children in Africa and trafficking, although programmes are still relatively few (Box 5.9). Both governments and NGOs are providing prevention and response initiatives that include protection, rehabilitation and reintegration for child victims of sexual exploitation, and prosecution of offenders. Awareness of parents and children can be increased through education policies, as well as efforts to reduce child labour;



trafficking can be targeted through police training. Approaches need to be cross-sectoral and multi-stakeholder, but in conditions of severe deprivation and family fragmentation, the challenges are many.

In South Africa, a task force is reviewing the Sexual Offences Act to incorporate crimes associated with the commercial sexual exploitation of children. The Thuthuzela Centers provide another model of integrated high-quality specialized services for victims of sexual exploitation. Users are able to access medical and legal services simultaneously, which helps to speed up the legal process (as evidenced by the 90 per cent incarceration rates achieved for offenders). Mozambique and Zimbabwe are both replicating this model.

### Box 5.8: Care for street children in the Democratic Republic of Congo

The growing number of street children in Kinshasa is a striking manifestation of the social ramifications of conflict, and the impact on families of extreme dislocation and deprivation.

Aware of these children's vulnerabilities and of the burgeoning number of NGO projects on their behalf, the government of DRC is seeking to coordinate social care services for them, particularly for girls whose experience of street life is especially brutal. A network of NGO child protection agencies has been set up, with assistance from international donors.

The Ministry of Social Affairs has assumed responsibility for setting minimum standards, providing coordination mechanisms, and promoting data collection. NGOs in the child protection network are providing various types of assistance ranging from immediate protection (overnight shelter, food and first aid) to longer-term solutions such as family reunification or group housing.

Intermediate services include informal 'Listening Centres' that offer street children a first point of contact with the 'regular' world, and mentors who can guide them towards other services. Many children and young people are traumatised by accusations of witchcraft, violence, abuse and the effective abandonment of parents no longer able to afford their care.

'Transit centres offer access to longer-term assistance such as trauma counselling and remedial education classes. Particular emphasis is put on functional literacy and vocational training, including business skills training. These are crucial for equipping adolescents unable to be reintegrated into their families with the skills they need to become productive citizens.

Source: World Bank (2010b) quoted in *Managing Risk, Promoting Growth: Developing Systems for Social Protection in Africa* The World Bank's Africa Social Protection Strategy 2012–2022 (June 2012)

### Box 5.9: Examples of responses in Africa to CSEC

Specialised child-friendly units have been set up within police stations in Mozambique to identify child trafficking victims.

Togo provides training to child victims to assist their rehabilitation and reintegration.

In Liberia the NGO More Than Me works with community leaders to identify girls in sex trafficking and those at highest risk of exploitation. The organization pays school tuition and provides school lunch to maintain girls' attendance in school.

The government in Botswana has created partnerships with children, families and communities to strengthen the protection of children from sexual exploitation.

In DRC the government is working with NGO partners to rescue and rehabilitate girls involved in prostitution.

Sudan has established a specialist child protection unit that provides legal aid and medical services for child victims of violence and exploitation, and special services are offered in hospitals across the country.

Sources: East, Central and Southern African Health Community, WHO and USAID (2011). *Child Sexual Abuse in Sub-Saharan Africa: A Review of the Literature*

### 5.6.3 Reducing violence against children in crisis situations

Many children in Africa are living in countries affected by civil conflict, environmental disaster, and economic crisis, often in combination.<sup>217</sup> Crisis situations exacerbate the risks to children of violence and abuse. In areas in turmoil, violence committed against children may occur on a much greater scale and in particular forms. Military forces may commit widespread rape, including on young girls, as a weapon of war; or rebel groups may abduct children as slaves for work and sex.<sup>218</sup>

During the conflict in Sierra Leone, more than 70 per cent of the reported sexual violence involved girls under 18, and more than 20 per cent of those were girls under 11. Another estimate from the conflict period shows that as many as 215,000 to 257,000 Sierra Leonean women and girls may have been subjected to sexual violence. In the DRC in 2008, the UN Population Fund (UNFPA) recorded 16,000 cases of sexual violence against women and girls. Nearly 65 per cent of cases involved children, mostly adolescent girls. An estimated 10 per cent of victims in this period were children less than ten years old.<sup>219</sup>

Responses to child protection concerns in emergencies usually use existing formal and informal child protection structures. During and after the conflict in Sierra Leone community committees have played an important role in the reintegration of separated children. Community committees were also active in the reunification and reintegration of former child soldiers in northern Uganda.<sup>220 221</sup> In South Sudan attempts have been made to eventually link community-based protection structures set up during an emergency response to an institutional and legal framework at local or national level.<sup>222</sup>

During the conflict in Côte d'Ivoire in 2002, development agencies were able to identify and train social workers or child protection focal points from both sides of the conflict, hence ensuring neutrality. By so doing they were able to identify social services and other forms of assistance to children who remained in

their communities, as well as building up a referral network for individual cases and a tracing and reunification system.<sup>223</sup>

Mozambique has developed a vision that emphasises support to community child protection committees as the first line of response to vulnerable children risk prone areas.<sup>224</sup> Ghana has also included capacity building for emergencies as part of their systems strengthening plan, while in Nigeria, government disaster management structures have worked with international humanitarian agencies to strengthen measures in place to protect children at the district and community level in the event of an emergency.<sup>225</sup>

Child protection programmes in crisis situations have to be scaled up significantly. Where possible, such programmes need to use existing service structures (as in Uganda and Sierra Leone), but they often have to be established separately, for example among populations fleeing across borders and settling in refugee camps.

The African Union and the UN Office of the Special Representative of the Secretary General for Children and Armed Conflict have recently signed an agreement to strengthen child protection in conflict areas, including by assigning child protection specialists to the AU Peace and Security Department. The UN is also contributing to the protection of human rights and rule of law through establishment of a new national humanitarian police unit. The staff of this unit, responsible for maintaining law and order in refugee camps and specific towns, have been selected and supported by the UN international police, and have received comprehensive training on sexual and gender-based violence, including violence committed against children.<sup>226</sup>

#### 5.6.4 Effectiveness of child protection programmes

More evidence on what works well and what is not working in child protection programmes in Africa is needed. A 2012 global review by UNICEF of interventions intended to prevent or respond to harm against children (the closest possible approximate to violence) found that 19 per cent of interventions were effective, and 67 per cent were partly effective; 13 per cent were ineffective.<sup>227</sup> These findings are difficult to interpret however, as the study examined such a wide range of interventions, some of which turned out not to be relevant. In general, evidence on programme effectiveness is inadequate, and the available tools used to evaluate the effectiveness of child protection programmes rarely yield clear results.

There are very real difficulties in measuring processes relating to child protection, let alone assessing the impacts of programmes and projects intended to reduce violence against children. Unlike issues related to health, whereby vulnerability to disease can be ascertained and addressed via health service expansion and capacity-building, the state of children's vulnerability to violence and abuse cannot be repaired by a strategy of expanding a particular service. Child protection needs to be mainstreamed in all existing service delivery structures, and cannot be vested solely in social welfare or social protection. This is why all governments should develop and promote a national, child-centred, integrated, *multidisciplinary* and time-bound strategy to address violence against children.

Protecting children from neglect, abuse, violence or exploitation requires a mix of interventions across a number of areas affecting the child, the family, the school, the community and the wider society as this report has demonstrated. Although children vulnerable to violence may share common characteristics, neither their situation nor interventions on their behalf is susceptible to universal analytic tools or prescriptions. The variety of interventions and the need for different mixes in different situations, even from child-to-child and family-to-family, makes it difficult to compare models or draw generalised lessons. The quest for better means of evaluation in the field of child protection is long standing,<sup>228</sup> and despite extensive work by UNICEF and others, and the development of useful tools such as the Child Status Index,<sup>229</sup> it will continue for years to come.

Some children facing extreme rights abuses, including violence, are profoundly damaged and it is not possible to apply public health-style cost-benefit analysis to the process of rehabilitating such children; their reintegration may take time, and require a high input of individual case work. Project performance can sometimes be prejudiced rather than aided by pressure to emphasise measurable target-setting and the monitoring of such outputs in a time-bound framework. However, it is also the case that lack of data constrains both programme development and advocacy. More solid evidence, especially about impacts on child development, would help to overcome the shortage of funds for this area of programme work.

Efforts are being made to redress these limitations. Progress has been achieved in improving methodologies for assessing the extent of violence committed against children in its many manifestations. These are already being applied in countries in East and Southern Africa including Zimbabwe, Swaziland and Tanzania. Child protection stakeholders initiated a global 'Child Protection Monitoring and Evaluation Reference Group' (CPMERG) in 2010 in order to respond to the problem of weak monitoring and evaluation and lack of research, and to develop better tools for the assessment of child protection policies and programmes.

# 6

## WHAT NEEDS TO BE DONE?

### 6.1 THE WAY FORWARD

African governments have made progress towards enhancing the protection of children through legislative and policy reform in the last several years. Governments and their partners are making greater efforts to document the problem. Many countries have translated international and regional treaties into national law, developed National Plans of Action and embarked on programmes designed to protect children from violence, abuse and exploitation. These efforts were largely triggered by the recommendations of the 2006 UN Secretary-General's *Study on Violence against Children*.

However, despite these encouraging developments, violence against children in all its forms, remains pervasive throughout Africa. Many of the socio-economic and political trends that influence the underlying context for violence against children in Africa – urbanisation, environmental and economic stress, civil conflict and family fragmentation – are not in retreat. Furthermore, the incapacity or unwillingness to improve policies and programmes and implement them effectively reinforces children's vulnerability.

The following Agenda for Action is informed by the findings of this study. The Agenda for Action is multifaceted and aims to strengthen a systematic approach to the prevention of and response to violence against children. It recognises that the family is the most important entry point for preventing violence, abuse and exploitation. Beyond the family, those alternative carers in institutions specifically intended to promote child well-being and child protection – school teachers, youth workers and staff in institutional child-care facilities – are seen as having key responsibilities to prevent and respond to violence against children in their care. Within the wider community, agents of civil order and administration, such as police, councillors, and religious and civil society organisations, have important roles.

At the state level, governments need to accelerate efforts to develop and resource national agendas on violence against children. Efforts should include the review of relevant laws, and movement towards prohibition of all forms of violence against children, including corporal punishment; improvement of documentation of the prevalence of harmful practices and other forms of violence such as child sexual abuse and exploitation; the strengthening of national policies and programmes which have a direct or indirect bearing on violence against children. Governments can also play a leading role in advocating changes in attitudes and beliefs that endorse violence or harmful practices.

Bodies such as the African Union, the African Committee of Experts on the Rights and Welfare of Children (ACERWC) and Regional Economic Commissions (RECs) should put in place mechanisms of oversight and accountability to ensure that Africa, as a whole, continues to strive to eliminate all forms of violence committed against its children.

## 6.2 AN AGENDA FOR ACTION

Three broad priority areas are proposed, each requiring a set of concrete actions.

### I. REINFORCING LEGAL AND POLICY FRAMEWORKS AT THE NATIONAL LEVEL, SO AS TO ESTABLISH THE NORM OF PREVENTING AND RESPONDING TO VIOLENCE AGAINST CHILDREN, AND FACILITATE THE DEVELOPMENT OF EFFECTIVE PROTECTION SYSTEMS

Under this priority area, the following actions are proposed:

- 1. Develop consensus around the meaning of ‘violence against children’ in the African context:** It is important to build a common understanding in Africa of the concept of violence against children, in line with General Comment No 13 of the UNCRC and the ACRWC. Arguments against cultural and religious justifications for harmful traditional practices and corporal punishment have to be deployed effectively and persuasively, so as to combat these forms of violence against children.
- 2. Ensure that commitment to child protection is a priority in the post 2015 development agenda in Africa:** In light of the recommendations of the UN report on violence against children and given the increasing magnitude and changing nature of violence against children in Africa, the issues of child protection and enhancement of social protection should be prioritised in the post-2015 development agenda.
- 3. Review domestic legislation which in any way pertains to the perpetration of violence against children and undertake necessary reform:** National legislation on all forms of violence against children, including harmful traditional practices, corporal punishment and sexual abuse, should be aligned with international norms and treaties such as the CRC and the ACRWC. These laws should:
  - Be rights-based;
  - Reflect local priorities;
  - Recognise the family and the community, not just as perpetrators of violence, but also as having central responsibility in child well-being and protection;
  - Give equal emphasis to prevention and response;
  - Respond to emerging risks such as child pornography and child sex tourism;
  - Provide the legal framework for ensuring accountability and fighting impunity.
- 4. Develop comprehensive multi-sectoral national child protection strategies, focusing on enhancing the implementation of laws and policies at all levels of society** with realistic and time-bound targets, coordinated by a lead Government agency with the capacity to involve multiple sectors in a broad-based implementation strategy. Systems have to be put in place for confidential, child-friendly counselling, complaint and reporting mechanisms, linking informal and formal mechanisms, with recognition for the needs of especially vulnerable children.
- 5. Strengthen national child protection systems in Africa, including linking informal and formal mechanisms and recognition for the needs of especially vulnerable children:** Enable governments to widen their perspective on child protection from a single-issue focus towards comprehensive, multi-sectoral approaches that embrace both prevention and response, as well as effectively link formal and informal child protection responses. Particular emphasis should be given to vulnerable children, including children with disabilities children living on the street, working children and children in residential institutions.



## II. ENHANCING PROGRAMMES AND SERVICES TO PREVENT AND RESPOND TO VIOLENCE AGAINST CHILDREN

Under this priority area, the following actions are proposed:

6. **Develop a pan-African strategy to achieve universal free birth registration throughout the continent:** Countries should respond to the injunction to put in place universal birth registration services and confer birth registration the political visibility it deserves. Public education and information campaigns are needed to implant birth registration in the public mind as the establishment of the child's living reality in the eyes of the world, a future passport to health services, education and jobs, and a cornerstone of the child's protection from all forms of harm.
7. **Ensure that the design of social protection programmes takes into account the situation of vulnerable children and opportunities for their protection from violence, abuse and exploitation:** Social protection programmes for vulnerable families should be designed in such a way that they respond to child protection concerns as well as enhancing child survival and development. Social protection programmes can offer outreach to a significant number of disadvantaged families and communities. Cash transfers to indigent parents can help improve child nutrition, reduce child neglect, promote attendance at school, prevent under-age child work and early marriage, and affect child protection in many ways.
8. **Recognise the family as the key setting in which to prevent and reduce violence against children and put in place policies and programmes to enhance the care and protection capacities of families:** Better parenting should be promoted, including building awareness about the consequences of harsh physical punishment on the well-being of children, and the promotion of non-violent and positive disciplining methods. The 2004 AU Plan of Action on the Family<sup>15</sup>, the most comprehensive existing pan-African framework on safeguarding the family's role in society, should be disseminated and implemented. Existing parenting networks should be strengthened to play a more active role in preventing and responding to violence against children.
9. **Promote community-based child protection activities, building on the strength and resilience of local communities, families and children, including proper understanding of children's rights in general, and children's right to protection in particular:** Child protection can best be supported at the community level by establishing special committees in schools and neighbourhoods. Existing community-based entities, such as youth clubs, local councils, age-set or kinship groups, church groups, local chapters of NGOs and community-based organisations can also be mobilized to play an active role in child protection. The involvement of community groups, already well-established and carrying social approval, can help promote long-term change in community attitudes and practices, including those associated with harsh physical punishment and other forms of harmful behaviour towards children. It is important to also promote child protective social norms and expand the provision of sexual education through community- and family-based structures.

<sup>15</sup> Now ten years since its adoption, the life span of the Plan of Action will soon come to an end, and there are some efforts currently undergoing to revise the Plan of Action.

### III. BUILD EVIDENCE ON VIOLENCE AGAINST CHILDREN IN AFRICA AND PROMOTE ADVOCACY

Under this priority area, the following actions are proposed:

- 10. Strengthen national routine data collection, research and surveillance systems related to violence against children in order to identify vulnerable sub-groups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children:** Concerted efforts need to be made to capture data about harm and violence perpetrated on children in African homes, schools, and in the community. Existing tools and methodologies that have proved their validity in building an evidence base, assessing programmes and identifying good practices should be applied wherever practicable. Surveys should not only reflect quantitative and qualitative data but also capture the voices and perspectives of children.
- 11. Conduct studies and encourage national routine data-gathering institutions to build the evidence base for advocacy, and deploy its findings effectively to inform child protection systems strengthening efforts:** Ensure that all programmes and services for child protection utilise opportunities for advocacy; the best basis for advocacy campaigns and initiatives is evidence derived from programmes, the experiences of programme beneficiaries and the testimony of programme staff.
- 12. Develop a pan-African strategy for advocacy to promote non-violent values and awareness-raising to transform attitudes that condone or normalise violence against children, at all levels from regional and national, to district and community, including governmental bodies and civil society organisations (CSOs).** Advocacy efforts should also target the private sector, especially service providing sectors of tourism, the travel industry, and Internet and telecom service providers to ensure that protection of children from sex tourism and online sexual exploitation forms an integral part of corporate social responsibility.



## ANNEX I: RESEARCH METHODOLOGY

The approach for data collection in the multi-country survey involved three methods: quantitative data collection, a desk-based review of contextual information, and qualitative assessments to substantiate the findings of the quantitative surveys. These three methods in combination enabled us to solicit adequate data and information from several stakeholders and sources.

In the quantitative data collection, a structured questionnaire was used to generate quantifiable estimates of various indicators that show the magnitude and forms of violence against children in each country. These estimates were helpful in making comparisons between countries and served as benchmarks to monitor progress over time.

The qualitative assessment, on the other hand, solicited information on community perceptions of violence against children and other contextual descriptions that explain relationships and individual experiences. This method was also effective in identifying factors that contribute to the perpetuation of the problem, and in understanding the complex reality of the problem at individual family, community and institutional levels.

To ensure international comparability, the research instruments were based on screening tools developed by the International Society for the Prevention of Child Abuse and Neglect (ISPCAN). These tools, commonly known as ISPCAN's Child Abuse Screening Tools (ICAST), are available for four categories of populations: children (ICAST-C), children in institutions (ICAST-CI), parents (ICAST-P), and young adults asked retrospectively about their experiences in childhood (ICAST-R).

ACPF has invested a lot of time in improving these instruments significantly both in terms of content and layout. In the process of adapting these instruments, new sets of questions have been included to accommodate specific data needs and improve the quality of data and information. The new design of the questionnaires ensured smooth flow of questions and enhanced the efficiency of interviews. It also contributed to an improvement in the quality of data entry and analysis. We believe that these improved versions can contribute to research into violence against children, particularly in Africa, if made available to the public through the various dissemination outlets.

In this multi-country survey, five types of questionnaire were used. These were:

- **ICAST-P**, used for interviews with parents with at least one living child in **Ethiopia, Mali, Morocco, Uganda, and Zambia**;
- **ICAST-R**, used to ask young adults (aged 18-24 years) about violent experiences that occurred before they were 18 in **Ethiopia, Mali, Morocco, Uganda, and Zambia**;
- **ICAST-C**, used to ask children (11-17 years of age) directly about their experiences of any types of violence in their home and community in **Ethiopia, Mali, Morocco, Uganda, and Zambia**;
- **ICAST-CI**, used to ask children (11-17 years of age) directly about their experiences of any types of violence living within **institutions in Malawi**;
- **Questionnaire for children living and/or working in the street**: In addition to the above four questionnaire types, we developed a separate format of questionnaire for children living and/or working in the street, to be used in the studies conducted in **Ethiopia, Kenya, Malawi, Uganda and Zimbabwe**.

As a child rights organisation, ACPF has a moral obligation to go beyond documenting child abuses and to facilitate access to psychosocial services for victimised children. To this effect, a consortium of partners was established to coordinate research activity with the organisation of psychosocial support for children who still experience abuse.

A referral form – the **Child Abuse Reporting Form** – was prepared to record continuing incidents and to refer cases to partners providing support. Though we recognise that all rights provided for children are indivisible and that no violence against children is tolerable, we limited the referral process to severe physical, emotional and sexual abuses. Filter questions and reminders have been included in children's questions regarding persistent sexual abuse. With regard to physical and emotional violence, reporting was based on interviewers' observations and assessments of the severity of the problem.

### *Survey design*

The studies were intended to generate nationally representative estimates on the nature and magnitude of violence against children. Therefore, the sample cases were distributed across administrative regions, provinces, cities or towns and proportionally over urban and rural settings. Stratification of major regions was necessary to ensure that the samples had adequate representation of geographic sub-areas and population sub-groups within the country. The survey design in all the eight countries followed a multi-stage sampling approach.

### *Survey design for Ethiopia, Mali, Morocco, Zambia and Uganda*

The survey in these five countries involved conventional households where children aged 11-17 years reside. The sampling plan described in this sub-section applies to the five countries. Another set of studies in Ethiopia, Kenya, Malawi, Uganda and Zimbabwe focused on children living and/or working in the street. The approach for the selection of sample children from the street is described in sub-section 1.2.1.

Each country was divided into seven geographical areas (strata), with two districts randomly selected from these strata, totalling 14 districts distributed across the country. From each district, three administrative areas (two rural and one urban setting) were selected, totalling 42 administrative areas across the country (28 rural and 14 urban).

Then, one cluster of households (locality, rural village, block or lowest administrative units, such as *Kebele* in Ethiopia) was identified within each of these administrative areas. From this cluster 14 suitable households were selected (Table 2).

For the young adults, we sampled immediate neighbouring households with at least one member aged 18-24.

The relevant questionnaires were then administered to these target respondents to gather the quantitative data required for the study.

**Table 1: Sample distribution of children aged 11-17 years old by place of residence and gender**

Place of residence	Number of districts	Number of clusters	Number of sample Children		Total
			Female	Male	
Rural	14	28	196	196	392
Urban	14	14	98	98	196
Total	14	42	294	294	588

**Table 2: Distribution of sample clusters and respondents by category after adjustment**

Respondent categories	Actual sample size generated from the calculation			Adjusted sample size		
	Sample size determined per country	Number of cases per cluster	Number of clusters to be selected	Sample size	Number of cases per cluster	Number of clusters to be selected
Parents/ caregivers (with at least one living child aged 11-17 years) ( <i>Ethiopia, Malawi, Rwanda, and Uganda</i> )	590	14	42.14	588	14	42
Children (11-17 years) <i>Ethiopia, Malawi, Rwanda, and Uganda</i> )	590	14	42.14	588	14	42
Young adults (18-24 years) <i>Ethiopia, Malawi, Rwanda and Uganda</i> )	559	14	39.92	560	14	40
Children living and/or working in the street ( <i>Tanzania</i> )	590	14	42.14	630	30	21

**Note:** For comparison purposes, analytical significance and ease at the implementation stage, the parents' questionnaire was administered to parents/caregivers of the sampled children in the child study.

To identify households with at least one child aged 11-17, we sought the support of local leaders or community leaders or other knowledgeable persons in each cluster. Of all the households with at least one child member aged 11-17 within the locality or cluster, 14 were systematically selected for the interview with children and parents/caregivers. To ensure the sex balance of child respondents, interviewers made an effort to include equal numbers of boys and girls in their sample. Ideally there would be equal numbers of boys and girls from each specific age group (Table 3). What this meant in practical terms was that if – for example – interviewers administered questionnaires predominantly with boys in one set of household visits, they needed to balance this by interviewing more girls in subsequent visits. The same applied to parents. Both parents were given equal opportunity to participate in the studies.

**Table 3: Sample distribution of children among specific ages by gender in a cluster**

Age	Rural		Urban	
	Number of			
	Girls	Boys	Girls	Boys
11	1	1	1	1
12	1	1	1	1
13	1	1	1	1
14	1	1	1	1
15	1	1	1	1
16	1	1	1	1
17	1	1	1	1
<b>Total</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>

Once children and their parents were identified, the parent/caregiver was asked for consent to participate in the study, both for themselves and on behalf of the children. In accordance with the ethical policy of ACPF, the consent of the parents or guardians of the child is mandatory, followed by the consent of the child, which is also very important. The decisions of those who were unwilling to participate in the study were respected, in which instances the data collection team looked for another child of the same age and sex, either from the same household or from nearby households.

The other category of the study population was that of young adults aged 18-24. The procedure described above was applied for the selection of sample respondents from this category. For logistical ease, the sample of young adults was drawn from the same clusters identified for children and parents; but the households were different. Subjects of the survey on young adults were drawn from the immediate neighbours of the households selected for the child/parent interviews. Interviewers consulted household members with whom they had already built a rapport in order to locate appropriate neighbours (i.e. one member aged 18-24 to take the ICAST-R). The survey for young adults covered 40 clusters, two clusters less than the child/parent survey (one cluster less from the rural and one cluster less from the urban settings). Accordingly, a total of 560 young adults were interviewed (378 from rural and 182 from urban areas) with equal distributions of male and female children. The sample distributions are detailed below (Tables 4 and 5).

**Table 4: Sample distribution of young adults 18-24 years old by place of residence and gender**

Place of residence	Number of Clusters	Number of sample Children		Total
		Female	Male	
Rural	27	189	189	378
Urban	13	91	91	182
<b>Total</b>	<b>40</b>	<b>280</b>	<b>280</b>	<b>560</b>

**Table 5: Sample distribution of young adults among specific ages by gender in a cluster**

Age	Rural		Urban	
	Number of			
	Female adult	Male adult	Female adult	Male adult
18	1	1	1	1
19	1	1	1	1
20	1	1	1	1
21	1	1	1	1
22	1	1	1	1
23	1	1	1	1
24	1	1	1	1
<b>Total</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>

In this way, a total of 588 children, 588 parents and 560 young adults were interviewed. All in all, 1,736 questionnaires were filled from the three categories of respondents in each of the countries.

***Sampling plan for selection of children living and/or working on the street in Ethiopia, Kenya, Malawi, Uganda and Zimbabwe***

Children living and/or working in the street are usually found in big towns or cities. 21 cities or major towns distributed across the countries were selected and within each of these five localities or streets with a higher concentration of children working and/or living in the streets were randomly sampled. Once these localities or streets were identified, six children living and/or working in the streets (with equal gender balance) were sampled: therefore, we had a sample of 30 children living and/or working in the streets from each of the cities/towns and an overall sample of 630 at national level.

The question arose at the start of whether this strategy would be practically applicable in sampling sufficient cases without logistical and administrative complications. The answer was 'yes' – this strategy has been used in many national surveys and censuses. It does, however, require the cooperation of the local administration, civil society organisations (CSOs) and other relevant bodies. The description below provides practical pointers that can be applied to implement such a plan.

The first two stages of sampling the cities/towns are relatively easy. Once the city/town was known, the first thing that was done was to prepare a 'frame' of locations or streets where children were mostly found. This was prepared in consultation with relevant stakeholders (municipality officials, social affairs bureaus, etc.). This strategy has been used in many census and large-scale survey undertakings in Africa and other NGO initiatives. For example, the approach has been applied in ACPF's recent studies on children with disabilities and children's polls carried out in more than ten African countries. Other good examples include recent census undertakings in many African countries such as Ghana and Ethiopia. In these censuses the enumerators collaborated with local administrations and other stakeholders to identify specific locations where the homeless spent the day and the night, and made enumerations accordingly.



# ENDNOTES

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