

OMBUDSman

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HOW TO PROTECT YOUR RIGHTS

Stop Violence Against Children



The world is becoming globalised both in its diversity and in its similarities, and both have their advantages and weaknesses.

From other nations we can learn good practices, and together with them we can search for solutions to problems and difficulties, to focus just on the positive results of globalisation.

Unfortunately, however, there are also bad practices, which we could label equally as global. And violence against children is one of the saddest of global practices, characteristic of both north and south, poor and rich. Perhaps among them there are some differences; but these are more in its peripheral details than in its horrific core.

The contributions from certain ombudsmen for children, which we have published in this newsletter, indicate that no country is immune from the phenomenon of violence against children. Although the Convention on the Rights of the Child demands from countries that they prevent the rough handling of children, and countries have accepted this commitment without reservation, the feeling often arises that countries would sooner ignore this problem.

I admit that the problem is complex and has many faces, but this can be no

excuse for evasion. On the contrary: it demands even greater determination from all social actors in all areas. And actions can be schematically condensed into two general orientations.

The first is promotion of values to **change traditional cultures**, which do not recognise violence as violence, but frequently equate it to a method of education, and which regard the intervention of state institutions as interference in family privacy.

The second is an active **policy for preventing violence** against children, where there is a need primarily to improve the legal provisions in this area, including a policy regarding punishment, with a definition of protocols for action on identifying abuse.

Many of us have determined that poverty, along with its associated stresses in the fear for survival, is a powerful stimulus for violence, so in their development plans countries also need to strive for a reduction in poverty and social exclusion, in order for all children to have at least approximately similar opportunities for a pleasant childhood. This conference in Ljubljana, which we are accompanying with this issue of the Human Rights Ombudsman's newsletter, is one of the opportunities for a common analysis of the issues facing all societies. It is also an important opportunity for exchanging opinions, for comparing differences and similarities in the patterns of violence against children, and above all for determining further common strategies for eliminating this phenomenon, which on the one hand destroys thousands of young lives and on the other hand shakes the fabric of all societies.

I am certain that we will not waste this opportunity.

MATJAŽ HANŽEK, Human Rights Ombudsman



The National Council for Children, Denmark

Ombudsman for Children, France

Ombudsman for Children, Croatia

Ombudsperson for Children, Lithuania

Ombudsman for Children, Luxemburg

Ombudsman of the Republic of Macedonia
Department for Protection of Children

Ombudsman for Children, Poland

Northern Ireland Commissioner
for Children and Young People

Slovenian Ombudsman
Department for Protection of the Rights
of Children and Young People

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STOP VIOLENCE AGAINST CHILDREN

The National Council for Children, Denmark

NO SMACKING IN DENMARK!

Danish children are provided for and protected by a wide spectrum of legislation that applies to the population in general. There is no national universal childrens' legislation - a Childrens' Law - and thus Danish children do not belong under any special relevant department.

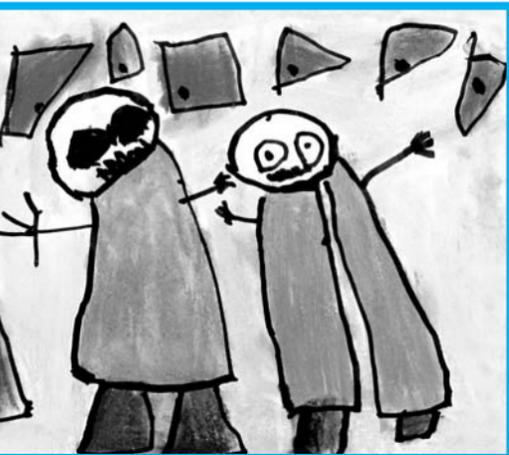
Legal provisions applying exclusively to children and young people are frequent in fields where special protection is needed. In 1991 Denmark ratified the UN's Childs Rights Convention. Until now the Convention has not been incorporated, i.e. it merely functions as a guideline to the authorities. The Danish Criminal Code contains special provisions designed for the protection of children against sexual abuse, whereas protection against violence can be found in The Criminal Code, as well as in special civil provisions.

The Act on Social Welfare instructs all citizens and particularly public employees to inform the local social authorities if the life or welfare of a child is endangered. Most Danish administration and handling of problems is decentralized and imposed on the local authorities, especially provisions concerning health and social matters and basic education.

Children are victims of violence in many respects and as a result victims of different types of injustice. The present contribution only deals with the protection of children in relation to physical and mental punishment and abuse in schools, institutions and in their family life. In 1967, Denmark banned corporal punishment of children in the schools. There are separate legal provisions banning corporal punishment of children in child care settings other than schools, i.e. residential institutions. A Government Order bans demeaning treatment, corporal punishment, use of physical force, isolation, etc. in these institutions.

There is no explicit ban on corporal punishment of children in day care centers, etc. but an adult using CP in such a setting will be prosecuted for assault.

According to a longstanding Danish court tradition, minor punishments have been considered to be legal when inflicted by parents on their kids. In 1985 this traditional parental right to chastise children was weakened



Žiga Razoršek, 5 years, "I help mum wash the dishes", Zelena Jama Kindergarten, Ljubljana

but not abandoned by an amendment to the Act on Parental Custody and Visiting Rights. The meaning of the statute was to signalize to the public that parents ought to refrain from corporally punishing their kids. But if they did so, there would be no legal sanctions, as long as the punishment inflicted was a minor one. This problem was pointed out by legal experts and the media as well as child rights advocates during the following decade. This eventually led to an amendment to the Act in 1997, ultimately abandoning the parental right to chastisement by stating that: **"The child is entitled to care and protection. The child shall be treated with respect of his/her person and it must not be exposed to corporal punishment or any other offensive treatment"** (Act No 416 of 10th June on Parental Custody and Visiting Rights, Sec. 2).

The Criminal Code does not provide anything in particular regarding this issue and it has not been amended after the ban. The intention of the amendment is to help the parents, not to imprison them. However, violators of the ban may be prosecuted under the Criminal Code for assault and battery or other related crimes (Sec. 213, 244, 245). The prosecutors follow a policy of restraint in relation to CP and until now in April 2005 there has been no case law.

BORNERADETS CONTRIBUTION TO THE ERADICATION OF SMACKING

From its establishment in 1994 the banning of CP has been a high priority issue for Borneradet, the National Council for Children. In 1997 the Minister of Justice asked the Council to initiate a nation-wide public campaign in order to disseminate

the good news to all Danes that chastisement was now banned. From 1998 and on Borneradet has been campaigning under the headline "No to smacking", forwarding via schools and daycare institutions leaflets and posters to some 750.000 Danish-speaking parents to children age 0 - 10 years. The initiative also included a documentary on smacking broadcasted on national television and a magazine about child-rearing methods. From 2000 Borneradet has also distributed leaflets in English, Turkish, Bosnian/Serbian/Croatian, Arabic, Urdu (Pakistan) and Somali to ethnic minority parents. The basic message in the distributed material is the information about the amendment of the law. The purpose is to create an understanding of positive upbringing in stead of discipline and punishment. Mutual respect is fostered by love, care, and dialogue. It is harmful to a child when it is smacked and if punishment becomes a natural part of upbringing, the effect might be that the child will suffer from substantial lack of self-confidence or that the child itself will become a person who hits. The leaflets also encourage parents to contact the health visitor, the day-care staff a.s.o. if needed.

In 2002, the Council published the booklet "Bringing up Children with Your Heart - About Development and Conflicts with Small Children". The booklet targets families with infants and created quite a stir. Today, the booklet has sold 50,000 copies and continues to form the basis of discussion about the upbringing of children when health nurses visit parents and at parental meetings in day care facilities.

EFFECT AND ATTITUDES

There is no ongoing research on the effects of the ban on smacking. In the mid-nineties researchers published a survey showing that about 60% of all Danes resented smacking. The impression is now that the general ethics in Denmark with regard to the upbringing of children are slowly changing towards more so-called 'soft' values i.e. less disciplin and control, more love and care, etc.

Valid research from 2003 among 6000 children born in 1995 and their parents seem to confirm this assumption. Mothers now more seldomly use smacking than in 1999 and slapping in the face is exceptional. However, 75% of these 7-year-olds are still scolded every week.

In March 2004 the Government announced a Plan of Action Against Violence Against Children. The plan is based on new research according to which at a maximum 1% of all Danish children per annum is exposed to physical child abuse. Subsequently UNICEF Denmark and Borneradet arranged a conference "Stop Violence Against Children - Action is Needed!" in Copenhagen. The conference concluded that a bigger effort to prevent and stop violence against children in all respects is needed. The statistical information is sparse and a central registration of violence like the one in Great Britain is recommended in Denmark. Borneradet will continue focusing on this problem.

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Ombudsman for Children, France

STOP VIOLENCE AGAINST CHILDREN

The vast majority of the 15 million minors in France pass through their childhood and adolescent years encountering no serious hurdles. The picture is less bright than it might seem, however, for children and adolescents are exposed to violence of all kinds, ranging from severe maltreatment which is actually a criminal offence to the most insidious types of humiliation, justified in the name of 'upbringing' and, far worse, 'the good of the child'. Some children live in conditions of extreme



vulnerability due to their economic, social or family situation (one million children in France are living in poverty). Under such circumstances, it is impossible to say that child rights are fully honoured in France, or that everyone enjoys equal protection.

I believe it is extremely important to stress the fact that there are different degrees in **maltreatment of children**. The most serious may be the most visible, resulting, for example, in murder or physical injury. But many forms of maltreatment are far less visible, or leave traces other than on the body of a child (this is, for example, the case of some sexual abuse). And lastly come the wounds inflicted by words, gestures and attitudes, wounds which may be invisible and yet devastating for the child, particularly when they are inflicted 'for the good of the child'.

Of course, at the top the list of serious forms of maltreatment are

murder and beatings that result in lasting physical injury. The very disturbing number of young children who die as a result of serious maltreatment is vastly underestimated. The minimum estimation of child deaths due to physical maltreatment is three per week.

Even more numerous are those who are scarred, sometimes for life, despite powerful mechanisms of resilience we have come to understand better than before. Let me point out one fact that is often overlooked or little known: more than 80% of all children who suffer from maltreatment, of whatever kind, do so at the hands of those close to them, most often in their own family. The Ombudsperson for Children has been a steadfast champion of all means of combating any form of sexual exploitation of children, of developing new and well-suited methods for preventing it, of ensuring their implementation, and of providing lasting protection and support for victims. Several legal texts have provided partial solutions: the law on parental authority (4 March 2002) puts in place court protection for underage prostitutes. It provides for new legal sanctions against clients of prostitutes from 15 to 18 years of age, thereby closing a serious legal loophole. The same law protects minors from pornography by punishing the possession of pornographic images which include children and requiring that bans on their sale to minors and on advertising be visible to all.

The conditions for taking charge of underage victims of maltreatment and sexual violence are clearly stipulated in a government memo (14 February 2002) which establishes a means for accepting sexually abused minors in a medical environment where their testimony before the legal authorities is facilitated.

The question of violence in schools, adolescents abused by other adolescents or by their teachers, has in the last decade become a major concern for the French Ministry of Education, which tracks such cases by means of its 'Signa' software application. Such acts, which include a great deal of verbal violence as well as

physical violence committed by children who are younger and younger, are the source of considerable suffering and poison the school environment. The use of the concept of 'violence' as opposed to a 'unruliness' has exacerbated the climate. Indeed, criminal law has all too often become a response to violence in schools, which is then classified as a criminal offence. The legal system has taken on increasing importance in academic law. On a number of occasions, the Office of the Ombudsperson has complained of the growing use of academic institutions to enforce police or court decisions, particularly in cases of probation and arrest. The means by which police enforce these decisions are inevitably perceived as brutal, humiliating and spectacular by the children and adolescents concerned. Such behaviour poses a real threat to the progress made in recent years by various institutions attempting to ensure respect of children, teachers and school itself.

It is extremely difficult to identify all the **commonplace and invisible manifestations of violence** that affect children in France. In 2003, unsettling news came from schools. The number of complaints lodged with the Office of the Ombudsperson against academic institutions, particularly relating to physically and psychologically abusive treatment at the hands of teachers, rose steadily up to 2003. It is quite probable, moreover, that the Office has not been informed of other cases which have not been listed as 'violence'. Such acts are, of course, attributable only to a small minority of teachers. In most cases, they are instances of violence to young children. For a long time in the face of such unacceptable conduct, schools seemed incapable of establishing the facts, reacting to and sanctioning these intolerable 'pedagogical methods', responding satisfactorily to the concerns of families and students. In 2003, the Ombudsperson reported this phenomenon to the President of the French Republic; she was therefore gratified by the creation by the Ministry of Education of an Inspectorate General, to carry out a national survey to identify these behaviours and propose suitable corrective measures.

Schools are unfortunately not the only place where children are subjected to this invisible violence which is generally ignored, so widespread is the conviction among families and educators that it is an old, established and therefore respectable method of education. In its many pervasive forms, violence has far too often become a part of the day-to-day lives of children and adolescents in schools, foster homes, sports and recreation centres and in families, leaving terrible and durable, if invisible, scars. Many such practices are qualified as 'educational' because they are intended to be for the 'good of the children'. Even today, it is not unusual in France for parents to subject their children to corporal punishment.

It will not suffice to denounce these everyday forms of violence if we do not also improve our understanding of the phenomena at work, so that we can modify deep-seated attitudes on the part of parents and educators. This was the objective of a national colloquium on this theme, attended by specialists from many sectors and held at the French Senate in October 2003. What still remains to be done is to carry out a far-reaching epidemiological study on corporal punishment and humiliation as educational methods. This would be a first indispensable step toward informing the public about these behaviours and their possible prevention.

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Ombudsman for Children, Croatia

The Act on the Ombudsperson for Children, that entered into force on 18 June 2003, establishes a special and supervisory body as an institution *sui generis* with the task of protecting, monitoring and promoting the rights and interests of children based on the Constitution, international agreements and laws. The Ombudsperson for Children and his/her substitutes are appointed and acquitted by the Croatian Parliament.

On 17 July 2003, the Croatian Parliament adopted a Decision on the Appointment of the Ombudsperson for Children.

The Ombudsperson for Children acts independently and may not be called to account, put into custody or punished for his/her opinion or the actions undertaken within his/her scope of activities unless he/she breaks the law and thus commits a criminal offence. Once a year, the Ombudsperson for Children submits an annual report on his/her activities to the Croatian Parliament. In the cases in which the rights and interests of children are highly endangered, the Ombudsperson for Children may submit special reports to the Croatian Parliament. Technical and administrative activities of the Ombudsperson for Children are performed in the Office of the Ombudsperson for Children the headquarters of which is located in Zagreb, Andrije Hebranga 4/1.

Each person is entitled to submit a proposal for the consideration of issues of importance for the protection of the rights and interests of children to the Ombudsperson for Children who informs the applicant about the activities undertaken upon receiving the proposal in question. The Ombudsperson for Children is authorised to issue warnings, submit proposals and give recommendations. The state administration bodies, local and regional self-government units, as well as legal entities, are obliged to co-operate with the Ombudsperson for Children and, upon his/her request, submit reports, provide answers immediately, and notify the Ombudsperson for Children of the steps taken regarding his/her warning, proposal or recommendation. Should the above-mentioned bodies and legal entities fail to act according to his/her request within the set deadline, the Ombudsperson for Children notifies thereof the body monitoring their work. Should this body fail to report on the facts that have been established and the measures that have been undertaken, the Ombudsperson for Children notifies the Government thereof. The Ombudsperson for Children is entitled to have access to all the data, information and bylaws relating to the rights and the protection of children, regardless of the level of their confidentiality. Furthermore, the Ombudsperson for Children is entitled to have access and examine all institutions, state administration bodies, natural persons and legal entities taking care of children according to special regulations, as well as the religious communities in which children stay or are placed in on a permanent or temporary basis.

Should the Ombudsperson for Children realise that the child has been exposed to physical or mental violence, sexual abuse, abuse or exploitation, neglect or negligent treatment, he/she immediately notifies thereof the competent state attorney's office, warns the competent social welfare centre, and propose, measures for the protection of the rights and interests of the children. Frequent and ongoing activities of the Ombudsperson for Children directed towards the presentation of institutions and the promotion of children's rights in public resulted in a large number of written initiatives to discuss certain cases of endangerment or violation of the rights and interests of children. At the same time, the Ombudsperson for Children and her deputies received clients on a daily basis who presented such initiatives orally or who asked for counselling with regard to the protection of a certain right and interest of a child. According to an analysis of cases related to violence against children filed in the Office of the Ombudsperson for Children in the period from 1 January to 31 December 2004, the following may be stated:



Julija Bratuša, 5 years, "We sing a song about a caterpillar", Zelena Jama Kindergarten, Ljubljana

ABUSE NAD NEGLECT OF CHILDREN

With regard to the abuse of children, the following cases have been reported: the abuse of children by the father or the mother after a divorce; the abuse of children by the parents insisting on a vegetarian diet, which resulted in malnutrition of the child and his/her physical underdevelopment; the abuse of children by a child-care worker or other expert workers in the social welfare institutions where children are placed. On a few occasions, parents were reported to have neglected their children with regard to inadequate care in the field of education, health, or other children's needs. In a few cases we were informed about sexual abuse of children. In most of these cases sexual offences committed against girls by their fathers were reported.

In one of the cases a school informed us that one of their female students had been a victim of rape by several unidentified persons, which her parents were aware of but refused to report the case. In one of the cases the child himself - a seventeen year-old boy - reported directly to the Office an attempt, i.e. a proposal by an NN persuading him to record pornographic pictures and films. In all of these cases reports were requested from the competent bodies and the relevant recommendations were delivered. Moreover, we have always demanded urgency and feedback information. In the case of the girl victim of rape criminal charges were filed against the sex offender. In the need to protect children and minors and their right to healthy and balanced life within their family, The Ombudsperson for Children also takes an active part in creating The National Strategy on the Protection against Domestic Violence, which was adopted by the Government in December 2004.

BULLYING

Since the establishment of the Office of the Ombudsperson for Children, bullying has proved to be a major issue of concern in the field of the protection of children's rights. This is the first issue in which children recognised the Office of the Ombudsperson for Children as the place where they can report the violation of their rights, and the issue in the field of which children have filed the greatest number of indirect complaints. With regard to the remaining cases, we were notified through the media (bullying in institutions) or via parents' complaints, while in one of the cases a school informed us about the matter. The reports that have been requested show that the problem is sometimes minimised or relativised on the part of adults (often teachers). Therefore, in each case after receiving a report, the Office submitted urgent recommendations for actions to be taken by both school and other state authorities, particularly social welfare centre.

The recommendations contain instructions for the activities intended to teach children the skills of non-violent communication, the organisation of lectures, debates and meetings on bullying, the obligation to report violence to a competent social welfare centre to investigate the circumstances in which the child 'little bully' lives in order to help both children and their parents, and a whole series of other recommendations. A range of recommendations of the Office for Ombudsperson for Children in this field have been included in the Activity Programme for the Prevention of Violence among Children and Adolescents adopted by the Government at the end of February 2004. Therefore, the Office for the Ombudsperson for Children is a co-organiser of certain measures referred to in the above-mentioned Programme, as well as the competent body for monitoring the implementation of certain measures by other authorities.

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Ombudsperson for Children, Lithuania

"STOPPING VIOLENCE AGAINST CHILDREN"

Article 19 of the UN Convention on the Rights of the Child states that State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child.

Within 2003, the Institution of the Controller for Protection of the Rights of the Child received 135 written complaints, with more than 30% reporting of physical or psychological abuse. Violence against children in Lithuania is still a very topical issue, reflected in the fact that there is still a lack understanding in society of how to appreciate the youngest and the weakest, and a lack of wishing to perceive these rights, which in turn causes a lot of violations manifested in different forms of abuse. Investigative and practical experience has shown that most common physical or psychological violence against children comes from teachers, police officers, social workers (pedagogues), and most desperate, family members - precisely those people that should be protecting children from such violations and ensuring the implementation of the child's rights and legal interests.

It could be noted that the motto of "the strongest is always right" goes into children's communication. The Ombudsman's practice illustrates that aggressive behaviour between children and teenagers occurs more commonly at school and on its premises. So the priority for 2004 was to work on bullying, as it was the most prevailing problem among schoolchildren (according the WHO research, Lithuania is at the top of the scale of countries where children are bullied at school).

The main factors that cause violence against children are:

- poverty and a non-effective system of social security, very low economic status of a family;
 - aggressiveness, impulsiveness and apathy to the nearest relative;
 - consumption of alcohol;
 - lack of social and legal assistance to families;
 - lack of human resources in regional children's rights protection agencies;
 - inefficient qualification of teachers, police officers, lawyers/judges, social workers, staff in custody institutions, and their ignorance of legislation and legal liability while implementing legal acts regulating the legal rights and interests of children.
- After some investigations were made, the Ombudsman came to the conclusion that physical and psychological abuse is most common in a) the family and between child relatives; b) custody institutions; c) educational institutions and its premises; and d) abuse in the form of illegal acts performed by police officers.

Essential difficulties with regard to stopping violence against children:

- Inappropriate attitude of society towards child punishment and control - many adults still treat corporal punishment positively as an effective way of childrearing;
- lack of education on home values, role of the family and the importance in Lithuania, of public spirit;
- lack of information on alternative childrearing methods, corporal punishment and its sequences, incomplete family knowledge of child development and education, lack of integrated social, pedagogical, psychological and legal assistance to children and their families;
- children are poorly educated in recognising abuse and seeking effective assistance;
- the liability for psychological abuse against children is not clearly defined;
- lack of socially oriented TV and radio programmes about violence against children and alternative methods of childrearing;
- prevailing promotion of violence on TV.

In combating violence against children the Child Rights Ombudsman has achieved the following:

1. Code of Administrative Violations of Laws was supplemented by Article 181, which was prepared by the Ombudsman. The above-mentioned code is supplemented with the legal norm that foresees the liability for physical or psychological abuse against children.

2. The project of the National Programme against Child Abuse, its Prevention and Assistance for the years 2005-2007 has been prepared. This project foresees integrated and coordinated action and prevention, intervention and rehabilitation measures in combating abuse against children. The amount of 3,5 million Lt. is intended for the implementation of the programme.

The following proposals are set in the programme:

- a) To settle and consolidate integrated aid for children and their families - psychological assistance to the child and family, social work with the family, and social services for children.
- b) To organize attractive means of educating society, especially for parents (childrearing), to raise public spirit with regard to violence against children.
- c) To organize educational programmes for children illustrating how to identify violence and explaining where to turn for help.
- d) To improve the background and knowledge of police officers, lawyers, social workers, health care specialists, and others who work with children.
- e) To raise public consciousness, stop corporal punishment, and provide more information about a possible contribution to children and their families.
- f) To eliminate the grounds for child abuse: poverty, unemployment, alcoholism, social and economic instability within the family, etc.
- g) To expand information on alternatives to corporal punishment, explain the possible causes of corporal punishment, propagate news about child development, and use all possible measures to achieve these goals by using the mass media.
- h) To deal with questions through attractive and high quality informal education and training.
- i) To improve the effective implementation of the provisions of the Law on the Protection of Minors Against Detrimental Effect of Public Information.

3. Regarding the fact that the Child Rights Ombudsman institution receives more and more complaints about violence against children, the institution has paid more attention towards child safety, implementation of children's rights, and legal interests in schools (intimidation, persecution, harmful environment, bullying, physical and psychological abuse). The Ombudsman has also initiated two projects to combat child abuse. The first project "Creating a Safe School" was carried out together with Vilnius Police Commissariat and Vilnius Municipality. The main objective of this project was to ascertain the level of security at a school and its premises and out of the school's borders - in order to identify the existing problems and to solve them together with the school community - schoolchildren, their parents, and pedagogues. The latter project is not yet finished. Recommendations on how to avoid violence at school and on its premises will be prepared for the children, their parents, and pedagogues. Additionally, all responsible institutions will be informed about the project's results and the institutions together will be required to make a strong decision on how to improve child safety at the school.

4. The second project, "The Friendliest Child" was conducted together with partners in the form of a musical and entertaining TV show for children, "TELE BIM BAM". The main objective was to promote children's honesty and kindness, respect and attention towards each other, desire to help a friend having a hard day; to announce the friendliest child of the summer and to award the winners.
5. It is also very important to note that the Child Rights Ombudsman has organised, together with the "Save the Children" NGO, an action against violence: "May Month Without Violence Against Children". The main objective of such an action is to turn attention to the fact that violence is the wrong way of bringing up children, and to offer other alternative methods. During this action parents are taught about the damage that corporal punishment has on the development of young children. Parents are also informed about alternative methods of childrearing.

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STOP VIOLENCE AGAINST CHILDREN

Ombudsman for Children, Luxembourg

CHILDREN AND YOUTH IN DISARRAY: VIOLENCE, DRUG ABUSE AND SOCIAL ABANDONMENT

VIOLENCE

Individual complaints lodged by parents of students in primary schools most often concern incidents of verbal violence or bullying, psychological and physical violence, fights, mobbing and extortion. This trend is showing a marked increase. Interviews with management and representatives of the 'Youth Protection' Department of the Luxembourg City Police, the Criminal Investigation Department and the chief commissioner of the Diekirch Police Prevention Bureau took place throughout the year.

The subject of violence and its many facets is regularly examined by parent teachers associations; parents ask for help and feel powerless. More focused efforts need to be carried out with regard to prevention.

In their complaints, parents described their distress and sense of helplessness over their children's suffering as victims of this aggression. These children no longer sleep at night, have nightmares, their school results drop and they feel anxious and marginalised. The devastating effects of verbal violence are often underestimated. Parents have the impression, whether subjective or justified, that they are not taken seriously by teachers.

Numerous cases of systematic vandalism are reported to us. This aggression on material objects is often intended to reinforce threats of a psychological nature. A particular sensitive area is aggression of a sexual nature.

This kind of incident is regularly referred to the Committee. It goes without saying that any harmless touching games of an exploratory nature that children tend to play with one another do not fall into this category. The gravity of the few incidents reported to us is of a completely different nature. To protect victims' anonymity, we are not at liberty to describe the actual situations in which reported sexual aggression led to a police investigation.

We always encourage the parents and children concerned immediately to confide in the teacher and counselling services. Appropriate early intervention in the environment in which the child perpetrators of this deviant behaviour live can often prevent such acts from being repeated. In these cases, it is not uncommon to find that the children who have perpetrated acts of sexual aggression have unsupervised access to pornographic and violent films in their family environment.

With regard to violence in schools, the absence of a structured organisation for primary schools, i.e. an on-site service capable of intervening immediately, is a serious deficiency.

DRUG ABUSE

The Luxembourg City police have expressed their concern that access to drugs and stimulants is no longer limited to high schools. Until now, drug prevention programmes focussed on youths between 13 and 14 but recently this has shifted downwards to start with 12-year-olds.

Without a dedicated department within primary schools, attempts to resolve serious conflicts require a committed multidisciplinary team to be present in the field. Teachers have to deal with problems by themselves. If the situation worsens, we generally try to bring the different parties together: the burgomaster, the inspector, the teachers involved, the relevant person from the counselling service and the perpetrators' and victims' parents. Due to its unwieldiness, this procedure has its limits and cannot be repeated regularly.

The Diekirch police station has launched a prevention and information campaign on violence in Schools in the North of the country. Our Committee supports this initiative as an urgent response is needed.

It must nonetheless be pointed out that violence prevention can currently be handled by the Centre for the Prevention of Drug Abuse (as drug abuse and violence are often related). Should this task be entrusted to the Police in the future? It would be useful to know and analyse the results of the campaign launched by the

Police in the north of the country. Our Committee considers that given the limited human and financial resources available, all the parties involved in prevention need to work together closely. Drug abuse information and prevention work has been carried out in schools for a long time as part of a combined effort between teachers, the Centre for the Prevention of Drug Abuse and the Youth Protection Department of the Luxembourg City Police. However, these parties only intervene if explicitly requested to. It is impossible to cover all the classes as there are not enough resources for multiplier-effect training.

The Ombuds-Committee for the Rights of the Child (ORK) asks that violence and drug abuse prevention initiatives be extended to all schools in the country.

These prevention programmes could be partly financed by taxes levied on legal drugs (alcohol and tobacco).

SOCIAL ABANDONMENT

Socially abandoned teenagers who are no longer obliged to attend school

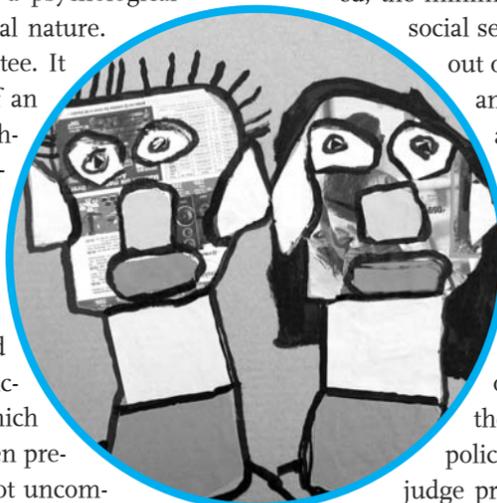
As the schooling bill prepared by the previous government has not yet been adopted, the minimum legal school-leaving age is still 15 for the moment. The social services have observed an alarming increase in the number of out of work youths hanging around the streets in the station area and the Centre Aldringen who are not registered in schools or as apprentices in workshops. Although safety in these areas has been a justified cause for concern over the past few months, it must be said that these youths are often the primary forgotten victims of this situation. These young teenagers never dare report any abuse they experience out of fear of the repercussions but also out of fear of being placed in institutions. Abandoned by their families, they live off minor trafficking, begging and prostitution. Agents from the Youth Protection Department of the Luxembourg City police are powerless to deal with this problem. Although the youth judge primarily fulfils a protective role with regard to children and young adults, he/she nonetheless assumes a repressive role regarding young offenders. Since a few years now, youth courts have evolved considerably under the influence of the international convention on children's rights. Now, children and young adults have the right to appoint a lawyer to represent them. This practice has now become very common in Luxembourg. There is also a non-profit organisation, "Protection des droits de l'Enfant" (Protection of Children's Rights), made up of lawyers who are particularly active in this field. A list of these lawyers is available from the Conseil de l'Ordre des Avocats (Bar Council).

HOMELESS PEOPLE OUTSIDE SCHOOLS

The Committee was contacted over the difficult cohabitation between students in Bonnevoie and homeless people who spend their time around the different schools in the area. Children find the aggressive behaviour of homeless people (throwing of beer bottles and stones, exhibitionism, etc.) very difficult to cope with. This situation has alarmed parents and teachers. The number of people out of work is increasing at a disturbing rate and latent aggression is omnipresent. Upon request by ORK, talks were given to the children to make them aware of the fate of the homeless in order for them to understand and tolerate their presence.

In order to tackle the problems of displaced youth and homeless people, ORK has asked the Government to set up a street-working organisation to ensure professionals are present day and night.

Marie Anne Rodesch-Hengesch, Chairperson of ORK
Ombuds-Comité fir d'Rechter vum Kand
2, rue du Fort Wallis, L-2714 Luxembourg



Valentina Pogorevc, 1st grade, "Family", Mislinja Primary School



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Ombudsman of the Republic of Macedonia Department for Protection of Children

PROTECTION OF CHILDREN AGAINST VIOLENCE AND ABUSE

The primary role of every democratic society is to create conditions for all children to enjoy human freedoms and rights equally. Children, as an especially sensitive group, deserve special attention, protection and help from the family and the state. A disregard of the basic rights of the child, neglect, indifference, physical and mental maltreatment, any form of violence and inappropriate behaviour towards children causing grief or suffering, actually mean that children are being abused and very often results in serious repercussions in their physical and mental development, and puts in question the realization of the basic rights of children. Even though there are several declarations and a convention that forbids any kind of violence and abuse, children are not spared - they are often victims of various forms of abuse, maltreatment, torture, and neglect. The Ombudsman as an institution competent for protecting the rights of children when violated by bodies and agencies with public mandates, acts on individual requests for protection against different kinds of violence and abuse, and undertakes measures to generally do away with and eliminate such occurrences. Children are often exposed to different types of **violence in the family** and for their protection the Ombudsman has suggested for violence in the family against a child to be treated separately by law, with stricter legal measures to be foreseen in such cases. The Ombudsman engaged himself especially in order for social affairs centres to be obliged to undertake suitable measures in cases of family violence against a child. The Ombudsman also intervenes when there are cases of violence, with the perpetrator being removed and referred to counselling, rather than the child being taken from home, which is an option that should be stated in law, too. The Ombudsman undertakes measures for strengthening the responsibility of parents and thus encourages social affairs centres to pay special attention to their legal obligation in supervising parental rights, particularly in families where children are abused, neglected, and hurt.

A certain type of family violence and abuse of children in the Republic of Macedonia is the presence of the **'children on the street'** who are begging, selling various products, cleaning cars, etc. Analysis has shown that these children often have parents who actually force them to work on the street, which means that they abuse, exploit, and neglect their own children. With the aim of protecting their rights, the Ombudsman suggested this category of children to be considered by law as a special crisis group for which there is a need to ensure special social provision and other forms of protection. In this direction, the Ombudsman suggested opening day centres, which would help to take these children off the streets, to stay in their families, improve relations within the family, and include them in the education system. In this regard, the law has an obligation to the state and to the local self-government units to ensure special social protection for this group of children and to establish day centres. Children from the street collect in day centres that provide education, counselling for the children and their parents, cultural, entertaining and recreational activities, and help for their inclusion in regular education. With this, we are expecting that these children will be moved from the street back to school, that conditions for life in the family will improve, and ensure the children's inclusion in social life under equal conditions as for all other children. Even though the legal regulative on educational sphere forbids **physical and mental maltreatment of children in schools**, the Ombudsman has expressed concern because children say that they are often psychically and mentally maltreated at school, especially mentally, which is very difficult to prove. Considering all this, and because measures are not always taken against persons who practise abuse against children, the Ombudsman has suggested physical and mental maltreat-

ment in schools to be more concretely defined, and for concrete measures against perpetrators to be determined. As a preventive measure in the protection of children against any kind of violence and abuse, the Ombudsman engaged himself also in including human rights at every level of education, so that children can recognize their rights and obligations and gain skills and knowledge for defending themselves against violence and abuse. Arbitrary detentions, arrest, banishment, or use of force in police action against children is forbidden. There are still cases of violence against children's rights in police actions due to non-respect of the integrity and dignity of children. The Ombudsman has asked for disciplinary or criminal responsibility procedures to be taken against officials in cases where they use force out of their competency, maltreat children, or act inhumanely.



Gašper Vodopivec, 5.5 years, "Attitude to Animals"
Semedela Kindergarten, Nova Gorica

The Ombudsman indicates a need for a continued education and training for officials with the aim of changing police attitudes towards children, underlining the Ombudsman, too, should take part in training of such persons. In the protection of children in police proceedings, the Ombudsman has engaged himself in the police being the uncompromised protector of human rights and freedoms. The Ombudsman suggested that children's hearings should be held in special rooms where they can feel comfortable and safe with respect to their standpoint and opinion, physically and mentally untouchable. Difficult living conditions and increasing poverty and unemployment in the Republic of Macedonia are reasons why children are more often abused for illegal aims and **trafficking**,

which means that they are not only sexually exploited and prostituted, but are very often also used for begging, stealing, or unpaid work. Trafficked children are exposed to great risks to their life and health, they live like slaves, and their basic freedoms and rights are limited, too. In order to eliminate and overcome this problem, the Ombudsman suggested establishing a special criminal act in the Criminal Law called 'trafficking people' which was not foreseen before, aiming to establish the trafficking of children in a special criminal act with punishable measures for the perpetrators and preventive and rehabilitative measures for children victims. He suggested that a special shelter should be established and other measures for protection of children undertaken, with education of more subjects, changes in legal regulative and other long term measures for the elimination of this problem. With regards to this goal, the Action Plan for Protection of Children Victims of Trafficking is in its final phase. The media, too, has an important impact on the increase of violence against children and existing violence between children, since by spreading various information it **has a harmful influence on the development, welfare and behaviour of children**.

One of the ways in which, according to the Ombudsman, the media has a negative impact on children and initiates violence, is the **consumption of alcohol by children**. In order to overcome this problem, and with the aim to protect children from this negative impact mediated by this type of information and the advertising of alcohol and cigarettes, the Ombudsman has suggested that advertising of alcohol and tobacco products be forbidden in the media and other public places, such as billboards, panels, stickers, etc. In this regard, the sale of alcohol and cigarettes to children should also be forbidden in retail stores, as well as restaurants and bars that work very late into the night. Unfortunately, these measures have not yet resulted in any success.

Nevenka Krusarovska, Deputy Ombudsman of the Republic of Macedonia
Ombudsman of the Macedonia, Dimitric Cupovski 2, 91000 Skopje, Macedonia



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Ombudsman for Children, Poland

"COUNTERACTING CHILD ABUSE IN POLAND - ACTIVITIES OF THE OMBUDSMAN FOR CHILDREN"

As the Ombudsman for Children my focus is on counteracting child abuse procedures. The experience that I have gained in my position allows me to say that this is one of the most dramatic social problems of our times requiring immediate and special remedies. I see the child abuse problem as a whole, therefore I think that separation and acting against only one type of abuse, limited to only one type of environment, e.g. family, or peers, is incorrect. Only a complex approach, combined with systemic changes, will allow for effectively limiting child abuse in all its forms.

Already in 2001 and 2002, I provided the Polish President and Sejm with proposals of relevant legislative and organizational changes aimed at establishing an effective and uniform system against child abuse in our country - "Plan against Child Abuse". It provides for an implementation of a uniform solution across Poland, based on local structures - the so-called poviats family aid centres - as coordinating and managing units.

The poviats family aid centres would include teams of specialists in various fields for establishing the character and form of such aid, with managers deciding on the aid purpose and scope of intervention. Such teams would also deal with coordinating the operation of all institutions and services dealing with the child abuse problem, including entrusting tasks to non-governmental institutions. Important elements of the system would include an intervention hotline - a free short telephone number accessible throughout Poland, connecting the caller with the given poviats, and creation of a register of abuse perpetrators.

Another important element of the systemic changes would also involve the sharpening of the criminal law relating to crimes against children, with specific treatment of crimes involving child abuse. This would consist of the implementation of the principle that liability for a crime against a child is the same as for the same crime against an adult committed with exceptional cruelty.

It is also necessary to commence work with the abuse perpetrator in prison by way of rehabilitation and psychotherapy. This work should continue after the perpetrator has left prison through continued therapy and monitoring of his/her behaviour.

It is particularly important to extend the forms of work with the victims of abuse, especially through:

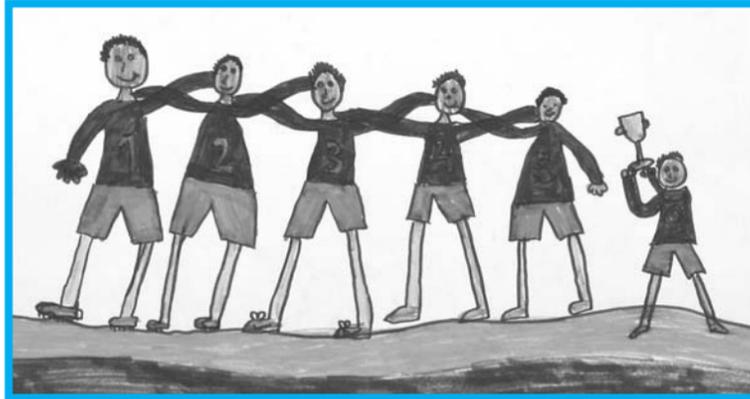
- limitation of court procedures and limitation of interrogations ("best - only once");
- child interrogation in especially prepared premises, also out of court or away from the prosecutor's office;
- principle of the perpetrator's isolation, not the victim's;
- development of assistance forms: psychotherapy, social, and medical aid.

Only a complex approach to the problem of child abuse, and the acceptance of solutions protecting the child against abuse in all conditions and all environments, will allow for effective actions against such procedures.

The solution introduced to the Polish Code of Criminal Procedure on 1 July 2003 allowing for a single interrogation of the victim below 15 years of age as per crime date in cases of crimes against sexual freedom and morality, is still insufficient since it does not refer to all forms of abuse.

There should be another modification of the Polish Code of Criminal Procedure implemented, which would guarantee single interrogation of a minor witness irrespective of the object of the criminal proceedings. It would also be beneficial if simultaneously the solutions allowing the judges to precisely reconstruct the child's testimony could be implemented. Such testimonial reconstruction could be based not only (as has been the case) on voice recording, but also on visual recording, which would allow for observation of the interrogated child, his/her reactions and behaviour.

The court would thus have an opportunity to observe the child during interrogation and make its conclusions on the basis of the child's appearance, manner of



Žiga Kumer, 4th grade, "We Won", France Prešeren Primary School, Črešnovci

speech, and reactions to questions. Such impressions serve the purposes of a proper evaluation of the evidence and credibility of the witness' testimony. The existing practice proves that the applicable regulations insufficiently protect the child against re-victimization. In November 2004 I addressed a note to the Polish Sejm and to the Minister of Justice in this respect.

My initiative was fully accepted by the members of the Sejm Commission for Justice and Human Rights, who then submitted to the Sejm the bill amending the Code of Criminal

Procedure in the aforementioned scope.

I consider the implementation of a systemic plan against abuse to be the most important, although not the only, condition allowing for an effective guarantee of the child's protection against injury. Equally important should be the taking of measures aimed at child protection against an especially destructive form of abuse - sexual harassment.

In 2003 and 2004 I applied to the highest state authorities in this respect. My postulates referred to supplementation of the Criminal Code and of the Executive Criminal Code with regulations which would eliminate, or at least significantly limit, possibilities of contact between children and persons condemned of sexual crimes against children.

It would be justified to require the courts to apply penal measures involving an obligatory ruling in respect of such persons holding a position, or performing profession related work with children - without any time limitation, i.e. for a perpetual duration.

I additionally suggested considering the implementation of the following new penal measures:

- temporary or permanent prohibition of contact with the victim in cases where a person has been convicted of a sexual crime against a child, also after completion of the penalty (in case of family relations, such measure would have to result in deprivation or suspension of parental rights);
- the obligation for the perpetrator of the sexual crime against a child to undergo therapy.

Another specific solution should also be introduced, allowing for ongoing monitoring of persons convicted of sexual crimes against children, preventing them from committing the same crimes again. Such control could be performed through, for example, the supervision of a probation officer, or the police.

I would also recommend changing the regulations of the Polish Criminal Code and increasing the age of the minor subject under protection to 18 years of age, thus increasing the minor's age against any forms of sexual abuse. Such a change would also be compliant with applicable international standards and postulates of the international institution in respect to Poland.

In the case of the Internet, it would be advisable to increase the age limit of the minor to be protected against pornography to 18 years of age, in all aspects regarding recording, importing, storing, or possession of pornographic content with a minor's participation. Additionally, so-called virtual child pornography should also be subject to being penalized.

The issues that I have presented will surely raise discussions, also during this conference. I hope that we will be able to work out some effective solutions to counteract child abuse. I believe that the results of our sessions will become a specific indication of various state authorities in protecting children against harm and neglect. This is what I wish you and, in the first place, all the children.

Pawel Jaros, Ombudsman for Children

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Northern Ireland Commissioner for Children and Young People (NICCY)

A COMMENT ON THE PROBLEM OF SO-CALLED "PUNISHMENT BEATINGS"

Amongst the most egregious breaches of children's rights in Northern Ireland are to be found in what is commonly known as 'punishment beatings'. Paramilitaries on both sides of the religious divide operate in communities as vigilantes, taking on 'law enforcement' responsibilities through violent means.

The official Police Statistics, show that there were 21 punishment attacks and shootings on young people in Northern Ireland during 2004. While it must be acknowledged that all crimes in Northern Ireland are not reported to the Police, this statistic gives a useful indication of the extent of paramilitary violence towards children. There are weekly accounts of children as young as thirteen being threatened or 'punished' because of their perceived 'anti-social behaviour'. The punishments can take the form of threats, beatings, shootings or being ordered out of the community. In a recent piece of research carried out on behalf of NICCY in relation to self harm and suicide among young people, the threat and experience of paramilitary beatings was found to be having profound detrimental impacts both physically and emotionally on young people. Perhaps the greatest concern, other than the beatings and shootings, is the widespread belief within communities that physical punishments work. In December 2004, the Commissioner took part in a radio phone in programme, where initially over 70% of callers supported punishment beatings of children and young people. This had reduced to less than 50% by the end of the programme, after the Commissioner, Nigel Williams, had

outspokenly labelled this as child abuse. However, even 40% of community support for vigilante punishment beatings is unacceptable. Both the Government and the Police condemn outright these attacks on children and young people.

However, there is an absence of a co-ordinated approach to preventing and dealing with these attacks, which are in every sense of the words, child abuse. There are many excellent initiatives underway involving both statutory and voluntary agencies to address issues of challenging anti-social behaviour by young people. Such preventative and diversionary initiatives deserve the support of the community as appropriate ways of dealing with issues. We must rely on the recognised authorities within the youth justice system to deal with crime committed by young people, not on paramilitary organisations.

The Commissioner is meeting with relevant statutory agencies to develop further initiatives to combat the influence of paramilitaries and end punishment beatings.

Teresa Devlin, Head of Research and Service Review

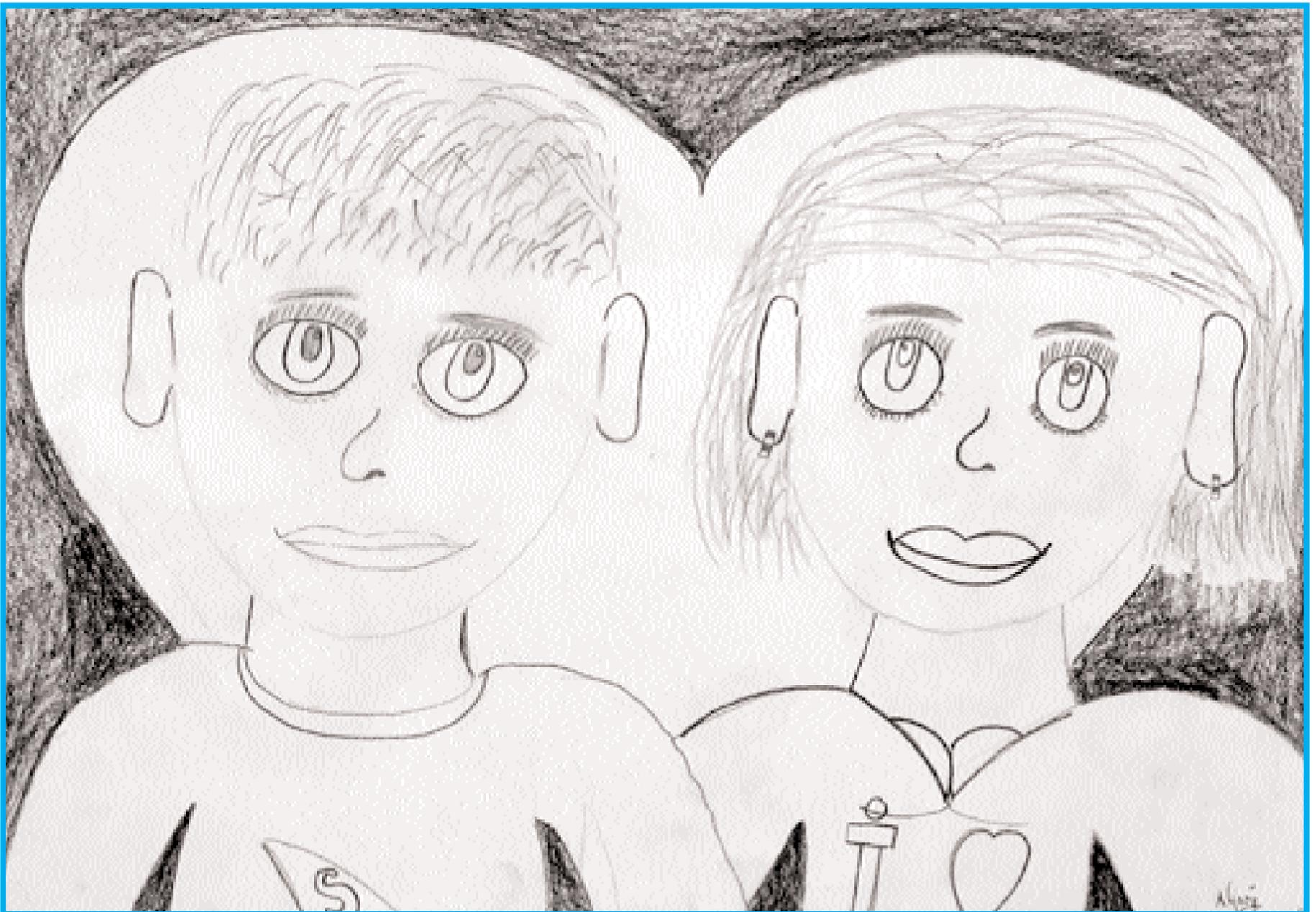
Northern Ireland Commissioner for Children and Young People (NICCY)

teresa@niccy.org

"Children's rights in Northern Ireland, 2004"

Research Team: Kilkelly, U., Kilpatrick, R., Lundy, L., Moore, L., Scraton, P., Davey, C., Dwyer, C., McAlister, S.; Available at www.niccy.org

Aljaž Pačnik, 7th grade, "Friendship", Mislinja Primary School



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Slovenian Ombudsman, Department for Protection of the Rights of Children and Young People

VIOLENCE AGAINST CHILDREN

1. THIRD YEAR OF EFFORTS FOR COMPREHENSIVE TREATMENT AND SOLVING OF THE PROBLEM OF DOMESTIC VIOLENCE

Domestic Violence - Violation of Children's Rights

In 2002 the Department for Protection and Promotion of the Rights of Children and Young peoples started up at the office of Slovenia's Human Rights Ombudsman, and among other things began monitoring the issue of violence against children.

We addressed the problem of domestic violence primarily from the point of view of children's rights, and from this viewpoint we assessed the child's environment. Analyses of this environment helped us to explain the causes (deficiencies), duties and responsibilities of individuals and professional services and the key reasons (and explanations) for the inadequate fulfilment of these duties and responsibilities. We placed the child (the holder of rights) at the centre and attempted to determine how we might ensure for him or her protection from violence and abuse in the family circle.

In order to understand more easily the duties of those who must take action on the violation of children's rights, we sought the reasons WHY any violation had occurred at all. We defined the responses we found as the causes of the actual violation. And they all stem from the child's environment. The behaviour of adults - parents or guardians - the functioning of institutions and experts, as well as cultural norms, values and social practices are determining factors for this environment. The Human Rights Ombudsman wished to stimulate widespread social, professional and political action, so he assembled the heads of institutions whose statutes or executive functions lay down the duty to combat domestic violence, and to help and protect victims and society from the harm that domestic violence causes. The Ombudsman proposed a systemic legal solution, which would include removal of the violent person from the family with appropriate judicial protection (the police), rapid and effective prosecution of the violent person (public prosecutors), defining specialised groups/departments at district courts for family issues (we supported specialisation and not reform in terms of establishing family courts), appropriate penal and post-penal treatment of violent persons (justice department and social work centres),

the necessary psycho-social treatment of the violent person and victims (social work centres, non-governmental organisations), the duty to report (doctors, teachers, educators, health care) and coordination of the system of work and provision of information among individual departments. Decision-makers in principle supported the Ombudsman's proposals, but no major shifts were effected. The Ombudsman concluded his year-long efforts for the protection of children from domestic violence by organising at the end of 2003 an expert consultation, to which he invited primarily practitioners from various services and non-governmental organisations. The consultation also enjoyed the collaboration of students from Celje's 1st Grammar School, who had previous to this conducted a series of workshops on domestic violence.

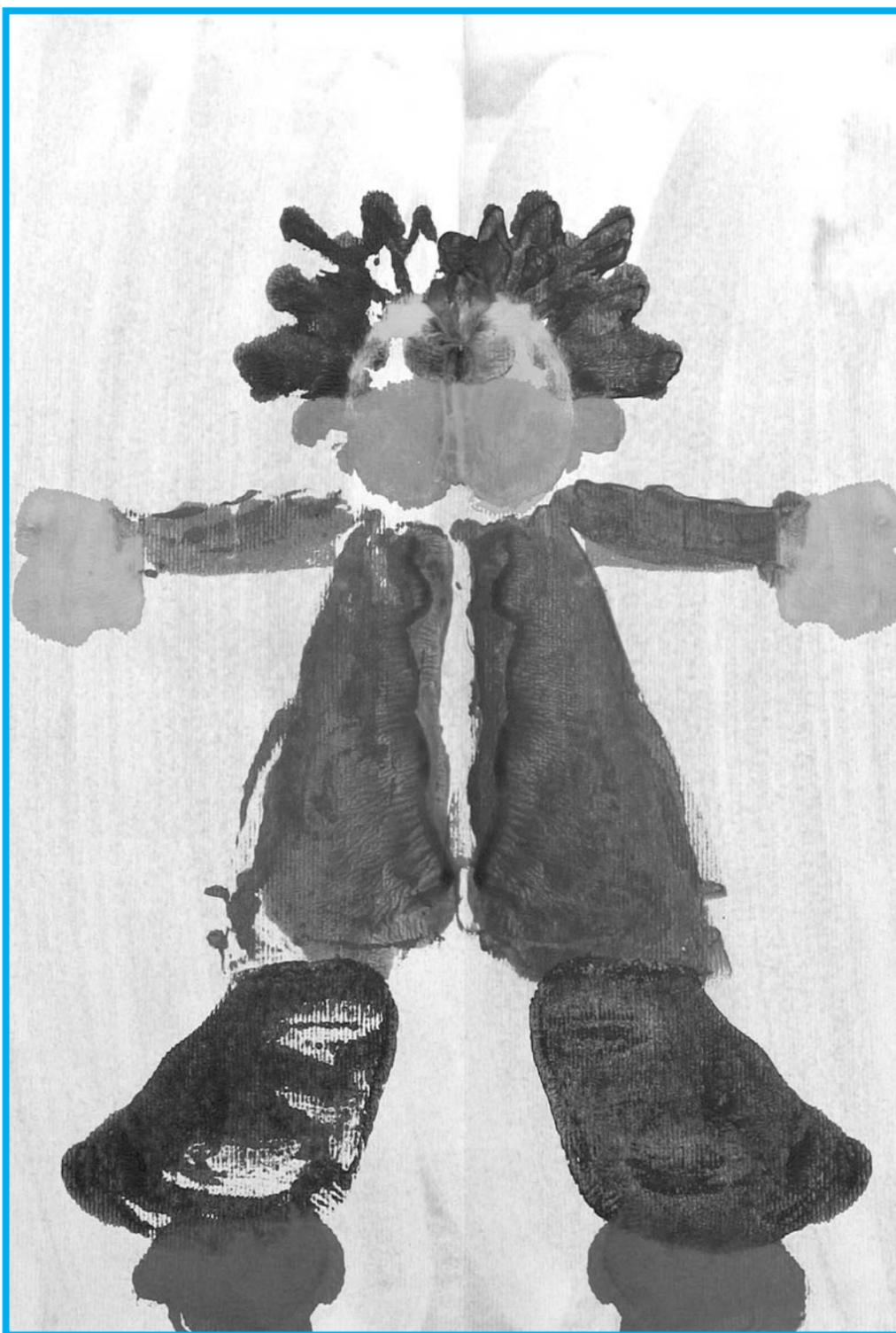
In 2004 the Ombudsman issued a special report, DOMESTIC VIOLENCE - PATHS TO A SOLUTION (NASILJE V DRUŽINI - POTI DO REŠITEV), into

which we condensed the papers from the expert consultation of the same title held at the end of 2003, and summarised the common findings and proposals of experts who directly encounter domestic violence or its consequences in their work, and proposed solutions at various levels.

Highlights:

- Reducing domestic violence would require broad social change. We would need to isolate the norms which lend violence in the home and in society legitimacy or which even extol it. People receive surprisingly little incentive in raising their children, in terms of renouncing corporal punishment or other forms of humiliation. Equally, parents are very poorly prepared and equipped for setting boundaries for children without thereby using some kind of violent behaviour.
- An important part is played by the media, films and television - it should be pointed out consistently that some children actually experience the kind of violence we find it hard to watch on film.
- There needs to be a reduction in stress, which provokes violence and is generated by society through its inequality. If there is less poverty, unemployment, racial, gender and ethnic inequality in society, and if there is good access to health care and education, this will reduce the portion of stress in the family for which society is responsible.
- It is important to reduce the

Matic Povše, Ostržek Kindergarten, Novo Mesto



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STOP VIOLENCE AGAINST CHILDREN

social isolation of families - the more a family is isolated from its environment, the greater the possibility of some form of abuse occurring within it. Good connections with the immediate environment help families to reduce stress.

- The patriarchal orientation of society finally needs to be changed as a matter of urgency. It is precisely the socially elevated position of men that makes domestic violence against women easier.

- There is a common need for interdisciplinary/interinstitutional links, which should be founded on the personal contacts of professionals, but which would run fairly smoothly (so that the algorithm of help could be known - perhaps the Ombudsman's consultation is the beginning of such an algorithm). Here it should be pointed out that the trauma of violence also has a destructive effect on witnesses to violence, for example on professionals (police officers, detectives, social workers, therapists, and experts in non-governmental organisations). There is a need therefore to formulate the kind of interinstitutional (co)operation that will facilitate implementation of the algorithm of decision-making where violence has been established, and at the same time to ensure education and awareness-raising about the (almost expected) destructive mental processes triggered by the dynamic of violence and which affect the professionals involved.

- Effectively tackling domestic violence in Slovenia would require the adaptation, amendment or supplementation chiefly of the Penal Code, the Criminal Procedure Act, Civil Procedure Act, Police Act, Misdemeanours Act, Offences Against Public Order and Peace Act, Non-litigious Civil Procedure Act and the Marriage and Family Relations Act.

- Good legislation still does not guarantee appropriate treatment of a specific social phenomenon; high-quality implementation of laws is just as important. Institutions would have to ensure possible organisational changes, strengthening of staff and, most importantly, they would have to

provide continued education for those that would acquire specific powers through changes to legislation. All of this would require specifically targeted budget funds.

- There is a need for a specialisation of all those that encounter domestic violence, from social workers to crime investigators, prosecutors, judges and lawyers, as well as those with power of attorney for injured minors.

- Solutions in the multidimensional sphere of domestic violence are associated with correct intervention and elimination of deficiencies. Inappropriate functioning of systems, which is a consequence of inadequate motivation to take action, can be overcome by formulating professional standards and doctrinal solutions, and through oversight and transparent avenues of complaint. Measures that are orientated towards deficiencies or their elimination contribute to the best protection of children's rights.

Throughout 2004 the Human Rights Ombudsman actively focused attention on the rights of children exposed to violence, and at the same time he continuously examined the capacities of those in positions of responsibility - in the area of motivation, powers and the necessary resources for action. We also monitored the work of state bodies, holders of public authority and local government bodies from the aspect of rights-orientated assessment and analysis of the child's environment.

The expected and predicted appropriately comprehensive legal solution did not appear in 2004. The Slovenian Ministry of Labour, Family and Social Affairs drafted a solution for systemic regulation of protection against domestic violence, with special emphasis on solutions demanding a decision on the future organisation of services for implementation of the act, and conducted an expert debate on the principles involved.

At the beginning of 2005 the Slovenian National Assembly deliberated over the special report Domestic Violence - Paths to a Solution, and its consensus was to

support the recommendation that appropriate legal wording should be formulated in final form.

The Human Rights Ombudsman took the opportunity to advise all ministries and other state and local community bodies that in creating policies in their areas they are bound to ensure circumstances that will not cause, justify or maintain a state of violence in families.

2. BANNING CORPORAL PUNISHMENT OF CHILDREN IN SLOVENIA

As part of the systemic solution to the problem of domestic violence we also proposed the possibility of an explicit prohibition on corporal punishment of children. Slovenia has already been the recipient of unequivocal admonishment from the Council of Europe, since it has not yet prohibited every type of corporal punishment.

The Human Rights Ombudsman joined the Forum Against Corporal Punishment of Children, and in cooperation with the Association of Friends of The Youth of Slovenia worked in 2004 primarily in the area of raising public awareness.

In cooperation with the non-governmental organisation Society for Non-violent

Communication, we visited several schools and spoke with parents, children and young people, teachers and advisory staff about corporal punishment and domestic violence. The message that corporal punishment of children is a poor model for resolving difficulties in interpersonal relations, since it affirms an orientation towards violence and creates a vicious circle of violence, reached all those participating.

In calling attention to this issue, the Ombudsman supports the valuing of children as autonomous beings and the creation of the kind of environment that enables balanced development and the bio-psycho-social wellbeing of children and young people. Instead of corporal punishment we point out non-violent

education and methods of disciplining. Here we must sadly observe that corporal punishment and the attitude towards it reflect the position of children and young people in Slovenian society and in the world of adults.

3. CHILD VICTIMS OF CRIMES IN POLICE PROCEDURES

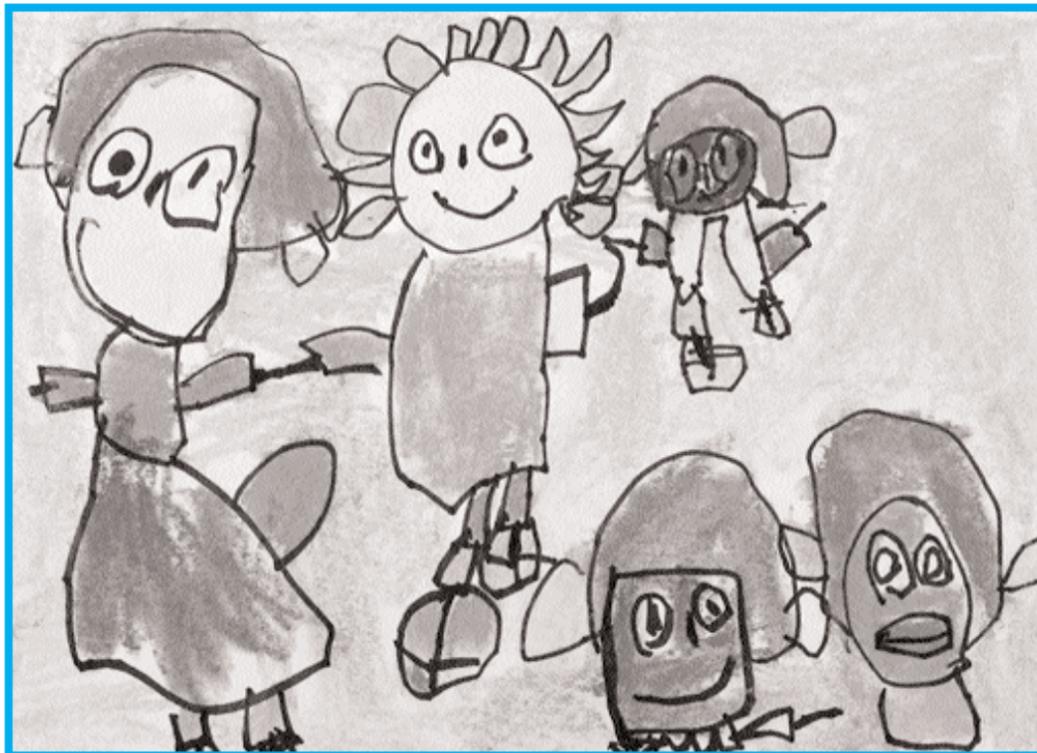
Complaints associated with violence against children drew attention to the inappropriate behaviour of police, which place the interests of the investigation over the interests of the child, which is unacceptable and inadmissible for the Human Rights Ombudsman.

Certain cases of domestic violence and abuse have shown the poor mastery of special professional knowledge and skills in the police force, in the justice system and in social work centres, as well as the non-consideration of the needs and developmental characteristics of minor victims, and the additional traumatising in the actual procedures and treatment at the hands of state bodies.

The so-called experts who are not familiar with (or at least not sufficiently well and in sufficient depth) the problem they are dealing with cannot, in their process of working and decision-making, safeguard the interests of the child, which we regard as a systemic violation of the rights of children.

For this reason in 2003 the Ombudsman proposed the introduction of a system of advocates for children, since it is essential to protect their rights when they are victims of crimes. In the system of 'advocacy' for children, a trusted adult person would accompany the child throughout the procedure.

This proposal met with no response at all, nor did the Ombudsman's appeal to the prime minister, and to holders of public office and authority to join in a common commitment to a non-violent society, which was presented on world health day in 2003.



Maksi Manuela Matkovič, 4.5 years, "We dance and sing Ring-a-Ring-a-Roses", Zelena Jama Kindergarten



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STOP VIOLENCE AGAINST CHILDREN

4. A FUTURE WITHOUT VIOLENCE FOR SLOVENIAN CHILDREN?!

The Ombudsman's plan up to 2007 in the area of protecting children from violence includes the promotion and proposing of measures and activities such as:

- establishing coordinated interdepartmental and interdisciplinary activities on the national, regional and local community levels;
- reviewing and evaluating the work of professional services dealing with children and families, with clearly defined anti-violence perspectives;
- activities to eliminate inequality, poverty, to improve health and the education system, the education network and care organisations, and so forth;

- legislative changes in terms of eradicating any kind of tolerance towards violence against children and consistent sanctioning thereof, to include corporal punishment and degrading treatment in the family and/or institutions;
- strict punishment of illicit possession of weapons and/or explosives, and reducing access to pyrotechnical means;
- designing a system for collecting data and researching violence against children, consistent adherence to the valid (criminal) legislation, and necessary changes (criminalising domestic violence - transferring it from the domain of misdemeanours to that of crimes, legal protection of children from any kind of violence in the school system, consistent prosecution of sexual violence, criminalising the production, dissemination, sale, import, export and possession of pornographic material in which children appear, professionally appropriate treatment of child victims of violence on the part of detection and prosecution bodies, establishing family courts or specialised 'family' sections at district courts);
- services for the protection of children and for dealing with child victims of physical, emotional and/or sexual abuse and neglect (the current method of work of the social work centres does not ensure this, and offloading such activities mainly to



Neža Pompe, 4th grade, "Friendship - outside appearances are not important, what is important is friendship" (Invalid, me, Indian, Dane, Chinese), Poljane Primary School

the non-governmental sector is not acceptable, since it does not take into account the requirements for specialised knowledge, a high level of professionalism with an ensured system of work quality control, supervision and consistent evaluation of programmes);

- designing a system for protection of children from violence: measure for protection from violence in families, foster families and institutions, for protection from self-injury and suicide and from sexual and any other kind of exploitation, accessibility of the network of advisory/support services for children, the reporting duty of pro-

- professional workers, consistent detection and prosecution of perpetrators, ensuring a safe environment for victims of violence - removal of the violent person from the family;
- establishing a network of centres for the psycho-social rehabilitation of child victims of violence;
- establishing a system for treatment and psychosocial rehabilitation of perpetrators (violent persons); and
- preventive programmes for children.

Unfortunately it cannot be overlooked here that Slovenia does not have any national action plan for children, let alone any kind of focused action plan (to prevent violence, to prevent sexual abuse and exploitation, etc). In this regard a future without (or with less) violence for Slovenian children is extremely uncertain.

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THE OMBUDSMAN'S PLAN FOR THE FUTURE TOOK INTO ACCOUNT THE REMARKS OF YOUNG PEOPLE, WHOSE CONTRIBUTIONS INCLUDED:

"For the FUTURE it seems important that in these years the centres, government and non-governmental organisations that are fighting violence against and between children should be linked with each other. This fragmentation of ours is a major problem. It seems as if the same goal is being pursued by five organisations with diminished power, and in this they are more than not failures, instead of there being one body working at full steam. Without links and interactive operation there will be no fundamental success."

"At least as important here as pointing out problems to adults is the final point: preventive programmes for children. Our workshops proved to be very successful, and in particular we need something in primary and secondary schools that will raise awareness and wake up these children of ours. It is already a big step if they are aware what a smack is, what a blow

is ... and that this is not such an insignificant act as some of them might imagine. Here an important part should again be played by some centre that would train young lecturers (multipliers) and help them to reach their peers through the right approach and warn them of the dangers awaiting them on their life path."

"I would just like to add that the same level of connection should be ensured at the centres dealing with the protection of battered wives. This is exactly the same principle."

"We young people also believe that a national action plan should be set up, and that a law should be adopted urgently that would ensure prosecution of any kind of physical punishment. We think there is a need for this to be made clear to future parents who will continue or omit the use of so-called instructive smacking. No smack is instructive, and people should know this! We are long past the time when we could be given any kind of instruction by smacking alone. It just teaches, but says nothing. So it should be stopped as soon as possible, for all the generations that are still to come."



Regional Consultation for the UN Study on Violence Against Children
5 - 7 July 2005 Ljubljana, Slovenia
Europe and Central Asia

Jokohama review combating Sexual Exploitation of Children
8 - 9 July 2005 Ljubljana, Slovenia
Europe and Central Asia

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