

Swaziland: *A Protective Environment* for children?

Utilising and evaluating the UNICEF framework in a developing society

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Abstract

This project aimed to both investigate to what extent Swaziland is a 'protective environment' for children according to the so-entitled UNICEF framework and consider whether the framework needs reassessing in the light of the different economic, social and cultural values of a developing Southern African country. The research also focussed on the positive roles which children in Swaziland play in the lives of their families and communities, an angle which is seemingly neglected in the UNICEF model.

The findings suggest that although some aspects of the framework did appear to be appropriate to this society and to feature in the children's own conception of their world and need for protection, other elements seemed incongruous with the economic and cultural environment of this country. Furthermore interviews with ten children and their teacher highlighted other ways in which the children are or should be protected within this society.

Key Words:

Child Development, Poverty, African Society, Sociology, Social Policy

Introduction

Swaziland has a population of around 1 million, more than 200,000 of whom are HIV-positive, and over two-thirds of whom have an income equivalent to \$20 or less per month. This poverty is being hugely amplified by the AIDS pandemic, with more than one in three children left without access to basic services (UNICEF, 2007). The majority of those dying from AIDS related illnesses are young and middle-aged adults, leaving behind an enormous orphan population, estimated to number over 69,000 in 2007 and to be growing by around 10,000 per year (ibid.). Add this to the thousands of children who are not orphaned, but highly vulnerable due to the extreme poverty and sicknesses of parents or home situations of abuse and exploitation, and it is estimated that by 2010 there will be 178,000 orphans and vulnerable children (OVC) living in Swaziland (ibid.). UNICEF believe that these children are subject to increased risks of abuse and exploitation and that Swaziland is therefore entering a 'second cycle' of the AIDS epidemic (ibid.).

The proportion of children completing primary and secondary school education in Swaziland is also declining due to the increasing inability of families to afford school fees (ibid.), and despite government intentions to cover the fees of OVC, many are still not in school. Neighbourhood Care Points (NCPs) have been established by UNICEF with the aim to meet the elementary needs of these children in terms of health, nutrition, basic education and psychosocial support.

This project was conceptualised around the UNICEF '*Protective Environment*' framework (Landgren, 2005), which champions a 'preventative' rather than 'curative' approach to child protection policy. Karin Landgren, UNICEF's Chief of Child Protection, asserts that children are not sufficiently protected from experiences of violence, exploitation and abuse in many parts of the world, despite legislation such as the UN Convention on the Rights of the Child being almost universal. This, she argues, is a result of barriers such as traditional practises, lack of national capacity and insufficient law enforcement. The framework thus identifies eight factors perceived to be vital in protecting children from harmful situations and experiences, namely *Government Commitment and Capacity, Protective Legislation and Enforcement, Protective Culture and Customs, Open Discussion, Children's Life Skills, Knowledge, and Participation, Protective Capacity of Families and Communities, Essential Services, and Monitoring, Reporting and Oversight.*

In this research I aimed to ascertain the extent to which these components were being adhered to in Swaziland and simultaneously critically evaluate the framework's appropriateness to a non-western society in a developing country. This evaluative strand drew on critical literature concerning the concept of childhood in developing countries, particularly with regards to ethnocentric perspectives and the varied roles which children can play within a community. For example Oleke et al (2006) argue that the vulnerability of orphans in a district of Uganda varied according to a large variety of factors including their age and gender, the kin category they were living with and the economic position of that family unit. Henderson (2006:303) highlights the notion that 'global terms may fail to describe local particularities', and that global discourse often mistakenly assumes that AIDS orphans remain without adult guidance and sufficient socialisation, denying the 'fluid networks of care' functioning within many African societies (ibid: 311). Das & Reynolds (2003) agree that assumptions about 'normal' strategies and behaviour exhibited by children need to be shed, and assert that this can only be done by paying attention to children themselves instead of judging them by adult 'scripts'. This idea of giving children themselves a voice and a chance to express their own beliefs about how and why they might need protection was central to my research design.

Methodology

I conducted preliminary research investigating both the demographic and economic situation in Swaziland and the extent to which Swazi government policy and legislation reflects the

recommendations of the *Protective Environment*. This was done with two aims; to ascertain the ways in which policy in this society is in line with international guidelines and to gain knowledge of government claims to enable comparison with what is actually being implemented at grass-roots level.

The second stage of the project was a five-week local case study using participant observation and semi-structured interviews to recognise how these ideas are being understood by Swazi citizens. Working in an NCP in the densely populated rural area Lobamba, the traditional capital of Swaziland, I could observe children interacting with each other and adult authority figures. Key indicators of a protective environment I looked for included the identification of corporal punishment and sexual exploitation of children as socially unacceptable, the absence of stigmatisation of children with disabilities or orphaned by AIDS, an atmosphere where children are able to refer to harmful phenomena such as abuse and the teaching of problem solving skills. During this time I also had access to other sectors of the community such as a local primary school and church groups, where I could explore the above factors as well as the availability of free education for all children and the presence of trained teachers. I conducted interviews with a sample of ten children from the NCP, exploring personal attitudes surrounding these issues, awareness of their own rights and possible threats to their well-being, and the ability to refer to such issues at home, at school and with each other. An interview was also conducted with a key gate-keeper, a teacher at the NCP, again focussing on the UNICEF framework, particularly the suitability of the model to a developing African society. This ethnographic approach was adopted as it befitted the research aim to gain an in-depth understanding of the way children experience or lack protection in a particular society. I hoped that problems of ethnocentrism and generalisation in the UNICEF model could be highlighted by exploring the particularities of this community and the way that children living in Lobamba perceive their own lives.

The work followed the recommendations of the BSA Statement of Ethical Practise, in terms of protecting both myself as researcher and my participants.

Findings

Utilising the *Protective Environment* Framework

In many ways the recommendations of the UNICEF framework for the protection of children appear to be being adhered to within Swazi society, particularly with regards to *Government Commitment and Capacity*. For example, the Swazi government have signed up to the United Nations Convention on the Rights of the Child and have dedicated a whole section of

their constitution to children's rights (Parliament of Swaziland, 2005). The government have also set up a Domestic Violence and Child Sexual Abuse unit and the latest figures for Swaziland indicate that almost one fifth of government expenditure was dedicated to the development of education (UNDP, 2007/2008). In terms of *Legislation and Enforcement*, although there is no distinct juvenile justice system or separate children's court there is a child-friendly wing of the national court where children can give testimony in a safe and unintimidating environment. However, further background research suggested that in Swaziland the 'gap' between government declarations and the experience of many children that Landgren (2005:247) describes is a significant one. For example despite the Constitution of Swaziland (op. cit) asserting that by 2008 all children in the country would have access to free education (op. cit: 32), this is still a distant prospect. Indeed, elsewhere on the Government of Swaziland website there is a commitment to achieve a similar goal 7 years later (Department of Education, 2008).

Findings from my ethnographic case study also tell a mixed story, particularly with regards to the impact of local Culture and Customs on the way that children are protected. The prevalence of corporal punishment in Swaziland goes directly against the recommendations of the UNICEF framework, but as the teacher at Lobamba NCP succinctly phrased it, 'things are changing' in Swaziland, and with this change come many ambiguities and disagreements about what is socially unacceptable in terms of physical discipline. In general, corporal punishment is commonplace and apparently 'normal', but the degree of severity deemed admissible varies widely.

In a similar way, different indicators of *Open Discussion* and *Protective Children's Life Skills, Knowledge and Participation* struck me as being simultaneously present and conspicuously absent. Children at the NCP were encouraged to discuss issues such as the threat of strangers and talked in great detail about this whilst being interviewed, but the idea of abuse by family members or other known figures seemed much more taboo. Equally, classrooms for children from the age of six upwards displayed posters about HIV/AIDS, as did hundreds of billboards by roadsides, but the majority of children at the NCP had not been tested for the virus because of vast stigma surrounding the illness. To focus on *Monitoring, Reporting and Oversight*, I was welcomed as an independent observer with very little suspicion, and harmful phenomena such as sexual abuse, bestiality and HIV/AIDS are frequently reported by the Swazi media. On the other hand, as Africa's last absolute monarchy, Swaziland is still a highly censored society, with respect to criticising or challenging the King in any way, and this includes any published press.

Two key indicators of *Essential Services* suggested by Landgren (2005) are the right to free education and the presence of trained teachers. As mentioned previously, free education is a distant dream for the majority in Swaziland. But, teachers in Swaziland are often highly qualified, and in fact in too abundant supply. Volunteering at Lobamba NCP was a fully trained teacher, present purely because he was unable to find paid work in a school.

One factor of the *Protective Environment* definitely not reflected in Swaziland according to Landgren's indicators is the *Protective Capacity of Families and Communities*. The framework suggests that families should be supported for childcare needs by the government and that there should be sufficient demographic balance. UN statistics show that in 2005 almost 40% of the Swazi population were under 15 years old, and many of the children living at the NCP were living in homesteads headed by older siblings and supported by extended family and social networks, with no outside assistance.

Evaluating the *Protective Environment* Framework

With regards to *Government Commitment and Capacity*, although the Swazi government has made bold pledges to improve children's lives the credit of these promises is questionable, as apparent in the case of their unfulfilled vow to provide free primary education for all. Furthermore, in a developing country such as Swaziland (see UNDP, 2007/2008 for GDP figures), the UNICEF advice that more budgetary provisions will improve the way that children are protected is true but hopes for dramatic funding increases are unrealistic.

On the other hand, the presence of a juvenile justice system does seem appropriate to this society, where children are viewed as a distinct social group in need of appropriate protection and care. In this way the *Legislation and Enforcement* concept does seem relevant to Swazi culture, although again legislation must be developed carefully in order to have sufficient impact.

The element of Landgren's framework that most obviously invites criticism about the imposition of western values on an African society is *Culture and Customs*. The most prevalent cultural issue uncovered during my ethnographic case study was that of corporal punishment, and the problem of distinguishing between acceptable discipline and physical abuse. The UNICEF model asserts that bodily punishment should be absent within a society in order for children to be protected sufficiently, but in Swaziland this phenomena is everyday and normalised, and during interviews no child cited being punished as something they needed protecting from. In fact, one 16 year old boy notably referred to lack of discipline as one way that adults can fail to protect children. On the other hand, most adults in Swaziland

appear to feel the need for a line to be drawn between corporal punishment and unnecessary beating.

The children I worked with had very clear ideas about what they needed protecting from, and therefore UNICEF and other international organisations need to be sensitive to both cultural norms and children's own perceptions of their lives when trying to implement frameworks such as the *Protective Environment*.

Open Discussion and Monitoring, Reporting and Oversight are both elements of this framework that seem both relevant and vital to the improvement of how children are protected in Swaziland. Freedom of speech and the elimination of the huge social stigma surrounding AIDS/HIV would dramatically improve the lives of many children who could be given life saving treatment if their parents had them tested for HIV at an early age. From an outside perspective it seems that this could be the most significant change if the UNICEF framework was fully reflected within Swazi society.

Families and Communities' Capacity to Protect is also a significant factor affecting the quality of children's lives in Swaziland. However, some UNICEF indicators of this seem inappropriate. For example despite the lack of demographic balance, extensive networks of care are strong and effective in caring for the younger members of this society. Similarly, despite the absence of monetary subsidy from the government, other strategies were employed within the community to ensure families were supported.

Essential Services, particularly the state of education, is another pertinent issue in Swazi society. Formal education does not always seem necessary or appropriate in a society where most adults are employed in manual or agricultural labour and many highly qualified individuals struggle to find work, but both adults and children cited schooling as one of the most important ways that children in Swaziland can be protected, perceiving it to improve their future employment chances and provide them with important life skills.

Conclusion and Outcome

My findings indicate that Swaziland fulfils some but by no means all of the UNICEF criterion for a *Protective Environment* for children to grow up in. However, what interested me was whether this is a valid measure of how effectively children are being protected within this society. I found that some factors, such as *Open Discussion* and *Legislation and Enforcement*, were very relevant to the improvement of Swazi childhood, particularly with regards to reducing the stigma surrounding HIV/AIDS and ensuring that protective legislation

has sufficient impact. However, other aspects of the model such as *Families and Communities' Capacity to Protect* and *Culture and Customs* were found to be based on assumptions not fitting to this particular society. Therefore I commend UNICEF for recognising the need for all areas of society to work together in order for government commitments to have sufficient impact, but suggest that the implementation of and assessment of individual countries using this framework need to take into account both the cultural idiosyncrasies of that country and the opinions and perceptions of children growing up within that community.

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Appendix i

III. Building a Protective Environment

The Protective Environment Framework sets out eight broad, pivotal elements that determine children's protection from violence, exploitation, and abuse. This approach does not detract from the responsibility of the state for child protection, but identifies the systems and capacities needed to support child protection at all levels—national, societal, and familial.³⁰ How protectively these elements function, and how they interact, differs from one society to another, and may vary in relation to different types of abuse. Programmatic, policy, and advocacy approaches need to be tailored accordingly. Conflict, poverty, natural disasters, and epidemics are also recognized as undermining the availability of protection.³¹

This framework approaches the prevention of violence and exploitation as both programmable and more consistent with a human rights based approach. Strengthening a protective environment for children requires many levels of engagement, which in turn demands dialogue, partnerships, and coordination based on a shared analysis. Many of its components correspond to traditional development activities and approaches, such as improving basic services, monitoring results, and recognizing individuals as **[End Page 226]** actors in their own development. The factors that *prevent or contribute to protection* also lend themselves to measurement more readily than do the prevalence or incidence of many forms of violence, exploitation, and abuse.

The eight elements key to creating, or strengthening, a protective environment around children, described in greater detail below, are Government Commitment and Capacity³²; Legislation and Enforcement³³; Culture and Customs³⁴; Open Discussion³⁵; Children's Life Skills, Knowledge, and Participation³⁶; Capacity of Families and Communities³⁷; Essential Services³⁸; and Monitoring, Reporting, and Oversight.³⁹ **[End Page 227]**



A. Government Commitment to, and Capacity for, Fulfilling Protection Rights

Bringing about improved protection and sustaining it requires both commitment and capacity on the part of the government. Ratification of international child protection standards is essential, and where lacking, interlocutors should seek it actively. Official acknowledgment of protection failures and publicly expressed intent to address them give these issues a place on the national agenda and pave the way toward a range of other protective elements, including the provision of necessary services and open discussion of the issues. Beyond securing ratification of international conventions and

advocating that reservations be lifted, agencies, NGOs, and donors should persuade government counterparts to promote national budgets, policies and administrative practices, and structures conducive to better protection; to establish monitoring mechanisms; and to speak up on the issues at stake. A lack of government commitment will make it harder to address most other elements of a protective environment.

Protection abuses, or more precisely their public airing, can be felt as nationally humiliating and their official acknowledgment may be slow in coming. Years passed before the ravages of AIDS in some of the most heavily affected countries of Sub-Saharan Africa were acknowledged at the senior government level,⁴⁰ making it difficult, in turn, to lift the lid on [End Page 228] practices and public attitudes that contribute to the spread of the virus. Protection issues are unlikely to be addressed until they, and their contributing causes, are thus named.⁴¹

Such an acknowledgment and a stated commitment are only the beginning. States parties to the CRC are obliged to ensure that the authorities concerned have the resources they need to discharge the government's corrolating responsibilities. UNICEF has noted that national budget processes should be analyzed as part of a human rights based approach, as "the macroeconomic framework is fixed first, together with targets for growth or stabilization. When it comes to government spending, rights-fulfilling programs often do not have first claim on the available resources."⁴²

The Committee has pointed out that states are not in a position to know whether or not they are fulfilling children's economic, social, and cultural rights unless they can identify the proportion of national and other budgets allocated to the social sector and, within that, to children.⁴³ The Committee proposes that states parties review the machinery of government from the perspective of implementing the CRC.⁴⁴

In addition to adequate resources, effective implementation of the CRC also requires:

[V]isible cross-sectoral coordination to recognise and realise children's rights across Government, between different levels of government and between Government and civil society—including in particular children and young people themselves. Invariably, many different government departments, and other governmental or quasi-departmental bodies affect children's lives and children's enjoyment of their rights. . . . If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention. . . . To give the strategy authority, it will need to be endorsed at the highest level of government . . . [and] . . . to be linked to national [End Page 229] development planning and included in national budgeting; otherwise, the strategy may remain marginalized outside key decision-making processes.⁴⁵

Government capacity, a traditional target of development assistance, is often weak when it comes to child protection. This weakness appears not only in terms of budgetary resources but also in terms of administrative support and structures, trained professionals with adequate remit and authority, and experience. Furthermore, the commitment of other governments is needed not only as donors but as advocates, giving prominence to child protection in multilateral fora such as with international development and financial institutions. International cooperation is also required to address cross border issues such as child trafficking.

B. Legislation and Enforcement

An adequate legislative framework, its consistent implementation, accountability, and redress mechanisms—in short, the rule of law—are indicators of government commitment and capacity, and an important element of a protective environment. Policies and administrative practices should be consistent with the law and subject to challenge and review in a transparent manner. For protection rights to be justiciable, domestic law should set out entitlements in sufficient detail to enable effective remedies.⁴⁶ This is rarely the reality.

The police and the judiciary are often unable to enforce the law due to poor training, a lack of basic equipment for communications and record keeping, and few systems for oversight. They are further hampered by the absence of appropriate social services to which children can be referred. Corruption is also a factor; the exploitation of children is lucrative, in profits, remittances, and bribes.⁴⁷ In practice, nonenforcement of the law is routine [End Page 230] across large parts of the globe with respect to sexual violence and other assaults against girls and women, with prosecution so rare that there is little

incentive to surmount the intimidation and humiliation that accompany reporting such crimes.⁴⁸ The police may themselves be assailants, making them an object of fear by children and youth.

Competing legal systems present another barrier to law enforcement, with customary systems of justice existing alongside the official law of the land and prevailing at the community level, particularly with respect to family issues such as marriage and its dissolution, succession, inheritance, family honor, and the treatment of widows and orphans.⁴⁹ Local advocates—including NGOs, professional associations, and women's groups—can galvanize their efforts through greater awareness of internationally recognized standards and mechanisms, ultimately helping to strengthen local capacity.⁵⁰ Legislation passed in isolation from a national debate and broader engagement can push practices underground, as well as generating backlash.⁵¹ A legal reform objective should be accompanied by broader awareness raising and advocacy efforts; indeed, the very goal of legislation can be to change attitudes, as was the case when Sweden banned all corporal punishment of children.⁵² In 1965, 53 percent of Swedes thought corporal punishment indispensable to raising children; it was banned in 1979, and by 1996, only 11 percent of adults favored it.⁵³ Without such social momentum, legislation is likely to have little impact. This brings us to the importance of culture and customs. **[End Page 231]**

C. Culture and Custom (Attitudes, Traditions, Behavior, and Practices)

In its preamble, the CRC recognizes "the importance of the traditions and values of each people for the protection and harmonious development of the child."⁵⁴ But many harmful practices are not only traditional but regarded as beneficial, and imposed by profoundly loving parents and communities. For example, putting more children behind bars is often regarded as a positive and constructive response to adolescent criminality, notwithstanding the fact that it may be accompanied by high rates of abuse and recidivism.⁵⁵ Violence, exploitation, and abuse may be tolerated or encouraged in the form of child marriage, sexual abuse in religious or quasi-religious contexts, sending children away from home to work, honor killings, and severe physical punishment. Customs such as FGM/C and child marriage perform social functions linked, among other things, to marriageability and control of female sexuality. The shaming and stigmatization of victims, which may be intended to uphold group values, can lead to their being deprived of protection from subsequent abuse.

The Convention on the Elimination of All forms of Discrimination against Women recognizes that abuses and exclusions affecting women and girls are part and parcel of the social structure, and makes it incumbent on states parties to take all appropriate measures:

To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.⁵⁶ **[End Page 232]**

Few human rights treaties are as explicit as this about the state's obligation to work on *changing behavioral patterns* prejudicial to rights.⁵⁷ One legal instrument aptly calls all such traditions, as they apply to girls and women, "harmful traditional practices."⁵⁸ The CRC simply calls on states parties to take "all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children," and says nothing about the need to change patterns of conduct.⁵⁹ The recommendations of the Committee do, however, underline the importance of modifying societal practices and patterns.⁶⁰

For the right to child protection to be respected, abusive practices must lose their traditional protection. Such momentous change requires strong social consensus, and this is the single greatest challenge in establishing a protective environment. Program interventions have often sought to address traditions and practices, and extensive literature exists on behavioral change.⁶¹ Particular difficulties attach to changing behaviors closely associated with cultural and religious values.⁶² It is unrealistic, moreover, to expect widespread *individual* deviation from behavior that is socially **[End Page 233]** sanctioned⁶³; however "most of our knowledge about successful intervention strategies and behaviour has focused on the individual level change."⁶⁴ Hard as it may be to gain social momentum for the abandonment of such behaviors, promising examples exist, including the proliferation in Senegal of public pledges by communities abandoning FGM/C.⁶⁵

As with draconian legislation, attempts to impose change are likely to be resisted, and these initiatives can only succeed through movements, coalitions, and partnerships. Such efforts are linked to the existence of open discussion, in which children themselves should be involved, as long as they are not exposed to added risk as a result.

D. Open Discussion (Including the Engagement of Media and Civil Society)

Violence, exploitation, and abuse are often out of bounds for discussion at all levels—by the government, schools, the community, the media, and in the family. These taboos apply especially to sexual themes, and to matters within the family sphere. Referring to honor killings in Pakistan, one human rights advocate noted: "We have a culture of silence. People continue to suffer in silence. No one gets justice unless someone powerful intervenes."⁶⁶ Advocacy may be met with official denial and censorship.⁶⁷ **[End Page 234]**

Without open discussion, there is no climate for advocacy. Change is less likely on an issue that is never aired. Open discussion, signaling permission for children to talk about protection, will also help strengthen children's own ability to claim protection, another component of a protective environment.⁶⁸ Children have the right to receive information relevant to protection concerns. Under the CRC, states parties "shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well being and physical and mental health."⁶⁹

The Committee has commended states parties that publish annual and comprehensive reports on the state of children's rights, noting that their publication, wide dissemination, and related debate, "including in parliament, can provide a focus for broad public engagement in implementation. Translations, including child friendly versions, are essential for engaging children and minority groups in the process."⁷⁰

However, open discussion can place children at added risk, where revealing past abuses leads to the severe punishment, ostracism, and even death of the victim, notably in the case of rape. Children should not be compelled to speak about their experiences, but should do so only when it feels safe to them. "Safe spaces"—actual or virtual settings in which children can talk about, and seek respite and help from, violence, exploitation, and abuse that happens within the family or community—are an important component of child protection. Hotlines, shelters, and youth clubs can provide that space, and should be considered part of essential services for a protective environment. As an additional benefit, they offer a form of monitoring, opening a window onto major juvenile concerns. However, such facilities need funding and trained counselors and backup by appropriate health and social services.

Openness of discussion, media reporting, and civil society engagement often work in tandem. The media can be an effective monitor of social commitments. Reporting can, of course, be unhelpful to child protection where it sensationalizes abuses, fails to respect confidentiality, or uncritically reflects or reinforces unprotective practices. **[End Page 235]**

Local NGOs are closer to communities, more aware of the sustainability of initiatives, and less expensive, and may be in a better position to judge how and when to initiate dialogue. The Committee has urged governments to develop formal and informal relationships with NGOs working on children's rights, including providing nondirective support.⁷¹ International partners, in turn, need to take care that they do not place local partners at risk, and should be prepared to take the lead in advocacy.

E. Children's Life Skills, Knowledge, and Participation

Children are not supposed to bear the burden of defending themselves against protection abuses, nor are they obliged to claim, or secure, their rights for themselves. Nevertheless, they are agents of their own protection; awareness of their rights, and of ways to minimize the risks, can make them less vulnerable and more resourceful. Children's protective agency needs support to develop. Unfortunately, in many societies the appropriate time for much of this learning is in adolescence, when it is eclipsed by overnight transition to adulthood upon puberty or marriage.

Life skills programs aim to reinforce the individual's capacities "to think and behave in a pro-active and constructive way in dealing with themselves, relating to others, and succeeding in the wider society," all of which "are required both in everyday circumstances and, particularly, in specific risk situations."⁷² These are skills of decision making, problem solving, and critical and creative thinking. They should not generally be conveyed in the abstract but centered on practical problems facing children on the streets, in the sex industry, or concerned with risks such as widespread HIV infection, for example.

Such programs, as with legislative or behavior change initiatives, benefit from community support; because life skills can equip children to present their views more effectively and without adult permission, "the use of life skills is, in itself, a risk-taking venture, because it potentially alters the individual's relationship with others, challenging their values, roles and power relations."⁷³

Children have the right to be heard on all issues that affect them, often referred to as the "right of participation."⁷⁴ A right in and of itself, **[End Page 236]** participation also helps ensure the fulfilment of other rights, including those regarding protection. From an early age, children need safe and protective channels for participation and self expression, including play and recreation. Inner city settings, armed conflict, and poverty make this particularly difficult. In addition, some customs inhibit play between parents and children.

The right to participation places an obligation on adults to listen to and take into account the views of children, which goes against the grain of many societies. School settings have particular potential to spearhead participatory and child centered methodology that allows adults and children to put this right into practice. Teachers may resist nontraditional teaching methods, feel threatened by an approach that diminishes their overt control of the classroom, or be embarrassed and unsure of how to respond to the issues adolescents bring to the fore. The Committee has thus called for measures that would prepare those around the child—parents, teachers, judges and others—for their obligation to consider the views of the child.⁷⁵

F. Capacity of Families and Communities

A child's protection from violence, exploitation, and abuse is enhanced by an immediate social environment that is caring, supportive, and offers good role models—ideally, the family, as children have the right to be cared for by their parents or family.⁷⁶ The single most influential factor in a child's positive psychosocial development may be having at least one strong relationship with a caring adult.⁷⁷ States, for their part, are obliged in **[End Page 237]** guaranteeing and promoting the rights of the child to "render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, and . . . ensure the development of institutions, facilities and services for the care of children."⁷⁸

Children without parents, or whose parents do not or cannot protect them, have lost their first line of defense, and are acknowledged to be at heightened risk of abuse and exploitation. Orphans are especially vulnerable; in Sub-Saharan Africa they comprise an ever larger segment of the child sex industry, of school dropouts, and of children living on the street.⁷⁹ Passing an orphaned child into the care of the extended family can contribute to protection, but as with any family, does not guarantee it. Orphans remain vulnerable to harm at the hands of guardians, with sexual abuse and exploitation of their labor by members of the extended family not uncommon.⁸⁰

Family care practices and rituals, both beneficial and harmful, are handed down through generations, from breastfeeding and play on the one hand, to FGM/C and corporal punishment on the other. Strengthening the protection capacity of families and communities includes reinforcing positive parenting practices, and encouraging the abandonment of harmful ones. A range of caregivers also needs to be able to recognize, prevent, and respond to indications of child abuse and neglect.

Children deprived of their family environment have a right to special protection and assistance, but too often this translates to placement in institutions, which are not, as a rule, beneficial to children's development and where the children face significant risk of abuse.⁸¹ Placement in institutional care should be a last resort, with priority given instead to supporting the capacity of parents and the broader community to care for and protect children. Institutional placement can be a survival strategy for desperate parents; protective social and economic policies help attain "the **[End Page 238]**

objective that families themselves should manage to support their own children, and therefore not need to place them in institutions."⁸²

Child protection policies may not be known or implemented at district and community levels, and communities can be supported to learn about and assert, their rights. Community involvement in planning (around education, or protection problems such as trafficking or child labor for example) can help reveal protection gaps and generate responses that enjoy broad ownership.⁸³ In supporting such approaches, external actors will need to take care not to create situations of unnecessary dependency, which undermine existing coping capacities.

G. Essential Services: Basic and Targeted

Services, from basic health and education (where extra efforts are usually needed to reach children on the margins of society), to more specialized facilities for children at particular risk of or subjected to violence, exploitation, or abuse, can strengthen child protection. Their accessibility and adequacy should be scrutinized from this perspective. Basic services contribute to protection in a number of ways. Education is recognized as important in the elimination of child labor,⁸⁴ and women with higher levels of education appear less likely to be victims of intimate partner violence.⁸⁵ Immunization helps prevent disability, thereby also sparing many children from abuse, stigmatization, and institutionalization. Access to adequate water and shelter reduces women and girls' recourse to survival sex, especially among populations whose protection is already degraded, such as orphans, refugees, and displaced persons.

The Committee has suggested that resource allocation for basic social services has the greatest impact on the realization of child rights.⁸⁶ The way **[End Page 239]** in which such services are delivered also has considerable bearing on their protective impact. Teachers and doctors, reflecting general prejudices, may work with girls, minorities, or street children in a way that reinforces biases about their low worth and dignity. Schools where children are safe and feel they have a say will develop their protective agency, including awareness of their rights. Otherwise, they face persistent hazards from corporal punishment, sexual abuse, and the physical environment.⁸⁷ There is evidence that safe schools, in which the educational content is relevant, protect children by making them less likely to engage in exploitative labor.⁸⁸ Children in the sex trade, orphaned by AIDS, or in detention have poor access to basic services; special efforts are needed for systems and services to reach them, and to reach others who are disadvantaged and discriminated against.

Entire sectors, such as health and justice, may simply not be "youth friendly," in that services are available but do not respond to children's needs. Detaining children together with adults is common, while few educational systems seek to recapture children who have dropped out by offering "second chance" education. Health services occasionally, but rarely, pick up on cases of child abuse and neglect, or publicize the public health costs and consequences of unprotective practices (such as child marriage and FGM/C).⁸⁹ Furthermore, child friendly redress mechanisms and court procedures are essential. South Africa, for example, has developed a Child Abuse Court, and has centralized within selected hospitals the appropriate medical, psychological, and criminal justice responses to sexual assaults.

Outside developed countries, persons who come into institutional contact with children are rarely thought to need specific training. However, all health workers, teachers, police, local authorities, community leaders, and caregivers whose work involves children need to be equipped with the skills, knowledge, authority, and motivation to identify and respond to actual or incipient child protection problems.⁹⁰ Even where training takes **[End Page 240]** place, opportunities are being missed; in some countries, for example, teachers have been trained in early detection of disability but not in detecting signs of abuse.

Children have the right to more specialized services, as well. The CRC mandates services for the psychological recovery and social reintegration of child victims of neglect, exploitation, or abuse; torture or cruel, inhuman, or degrading treatment or punishment; or armed conflict.⁹¹ The psychosocial needs, rehabilitation, and reintegration of child victims of protection abuses can be complex and long term. Interventions should properly strive to protect the child against recurrent abuse, which means that neither the removal of children from situations of exploitative labor, nor removal plus placement in

some form of shelter, will necessarily be sufficient. A social welfare sector, adequately trained social workers, hotlines (where telephones are available), drop in centers, and advisory services for legal rights and reproductive health are examples of dedicated (and usually urban) capacity.

Denial of phenomena such as the child sex industry, domestic violence, and trafficking will tend to limit government supported services for victims, and also to curtail the ability of civil society organizations to step in. Conversely, organizations may be allowed and even encouraged to run showcase projects, without the necessary scaling up.

H. Monitoring, Reporting, and Oversight

This aspect of the protective environment encompasses different levels of formality, from the reporting obligations under international human rights commitments; to national methodologies for keeping track of child protection; to social vigilance: civic oversight through persuasion, exposure, or lobbying. The Committee has stated that "rigorous monitoring of implementation is required, which should be built into the process of government at all levels but also independent monitoring by national human rights institutions, NGOs and others."⁹²

Monitoring in relation to child protection is universally weak, with few adequate systems in place. Data collection is poor, and even where the commitment and capacity exist, capturing child protection information can be extremely difficult.⁹³ Assessing and analyzing protection issues are fundamental to designing effective interventions. Where data can be [End Page 241] collected it should identify those under the age of eighteen, and be coordinated to ensure indicators that are applicable nationally.⁹⁴ Data, however partial, can also be persuasive in overcoming official denial of protection abuses. Conversely, a lack of official acknowledgment of abuses is likely to go hand-in-hand with reluctance to establish data gathering mechanisms.

Development assistance can help strengthen national monitoring and analysis capacity, including through material support (technology that allows more effective information gathering), human resources (trained personnel capable of gathering, collating, analyzing, and presenting information), and conceptual contributions (including development of indicators, research, monitoring methodologies, and consistent use of terms).⁹⁵

Informal systems of invigilation have sprung up at community level; in Benin, 959 local community organizations monitor child trafficking, and other examples are found in Cambodia, Thailand, and Tanzania.⁹⁶ These have the advantage of being participatory and strengthening community capacity to protect. They are, however, less likely to provide national level data and analysis. All in all, methodologies to monitor child protection require considerable development.