

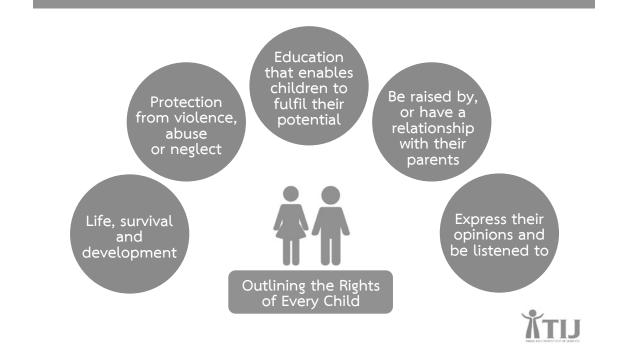
International Standards and Norms Related to the Elimination of Violence against Children

Dr. Sita Sumrit Chief of the Women and Children Empowerment Programme Thailand Institute of Justice



"Over the last decade, recognition of the pervasive nature and impact of violence against children has grown. Still, the phenomenon remains largely **undocumented and underreported**. This can be attributed to a variety of reasons, including the fact that some forms of violence against children are socially accepted, tacitly condoned or not perceived as being abusive. Many victims are too young or too vulnerable to disclose their experience or to protect themselves. And all too often when victims do denounce an abuse, **the legal system fails to respond and child protection services are unavailable**." (UNICEF, 2014)







3 Optional Protocols

United Nations Convention on the Rights of the Child

Adopted in May 2000 and entered into force in January 2002

Prohibits:

- sale of children
- child prostitution
- child pornography

Delineates:

- Criminal, civil and administrative responsibility for participation in the offenses denied
- Jurisdiction and extradition
- Mutual Legal Assistance
- Prevention
- The rights of child victims
- International assistance and cooperation

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

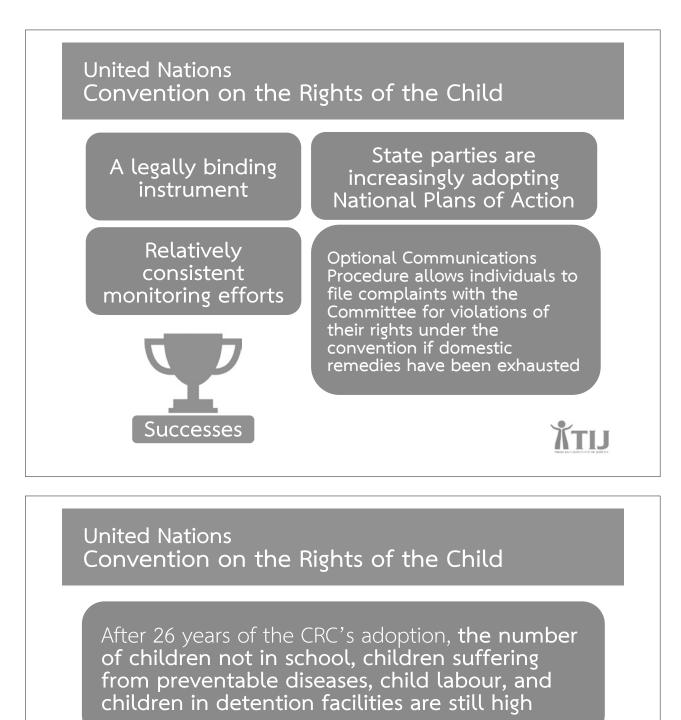
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United Nations Convention on the Rights of the Child

Japan – Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children (1999 – amended in 2004)

Complies with many of the requirements of the Optional Protocol

"It prohibits the prostitution of any child below the age of 18 and defines prostitution broadly to include not only intercourse but also "similar" acts and acts "for the purpose of satisfying one's sexual curiosity". The use of child prostitutes is punishable by five years' imprisonment and the facilitation of child prostitution by imprisonment for seven years. Production, distribution, sale, possession or transportation of child pornography as a business is punishable by up to three years of imprisonment. Legal entities whose employees commit such crimes can be fined up to 10 million yen. The law gives Japanese courts jurisdiction over nationals involved in child prostitution and child prostitution abroad, and recognizes the duty to provide children who have suffered mental or physical damage, or both, as a result of prostitution or pornography, with protection and recovery assistance. According to ECPAT, the amendment to the law "has had a significant deterrent effect."



Delayed progress in legal reform Resistance to State interventions (formal criminal justice process) to comprehensively protect children from violence

Challenges

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United Nations Convention on the Rights of the Child

Despite CRC Committee's emphasis that all corporal punishment should be prohibited, even with the family, <40 countries have reformed their laws to prohibit corporal punishment in the family rooted in the principle of "reasonable" or "moderate" chastisement of children within the private sphere

LEGAL CHANGE ≠ SOCIAL CHANGE

At least 58 million children are not in school. 168 million children are engaged in child labour and every year, an estimated 14 million girls around the globe (38,000 per day) are married before they reach 18 years of age

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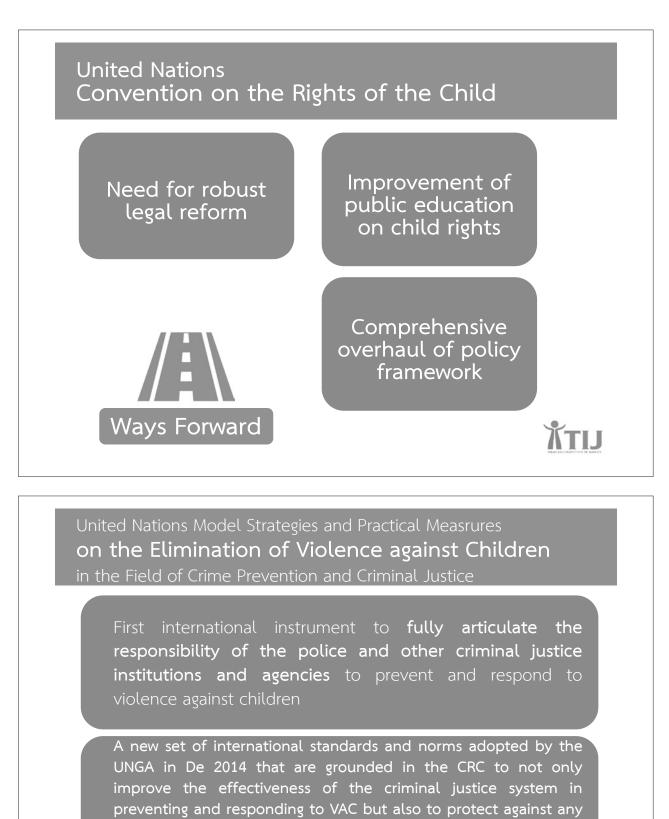
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Challenges

United Nations Convention on the Rights of the Child

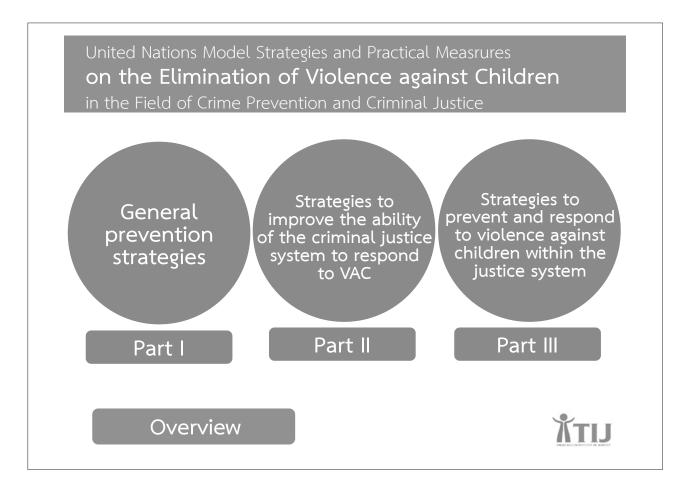
Harmonization of of existing national legal provisions on children with the provisions of the CRC: External harmonization and Internal harmonization

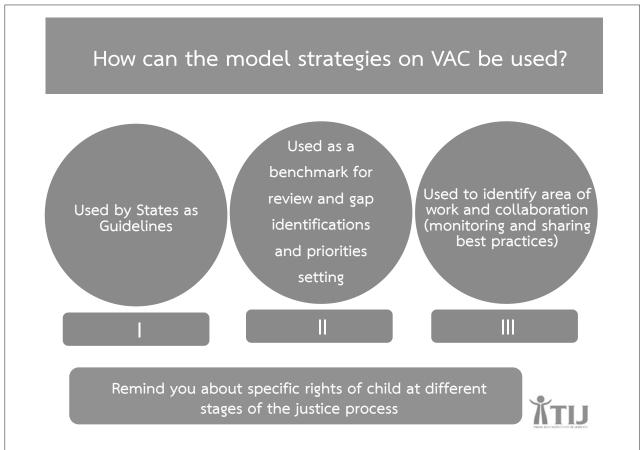
Challenges

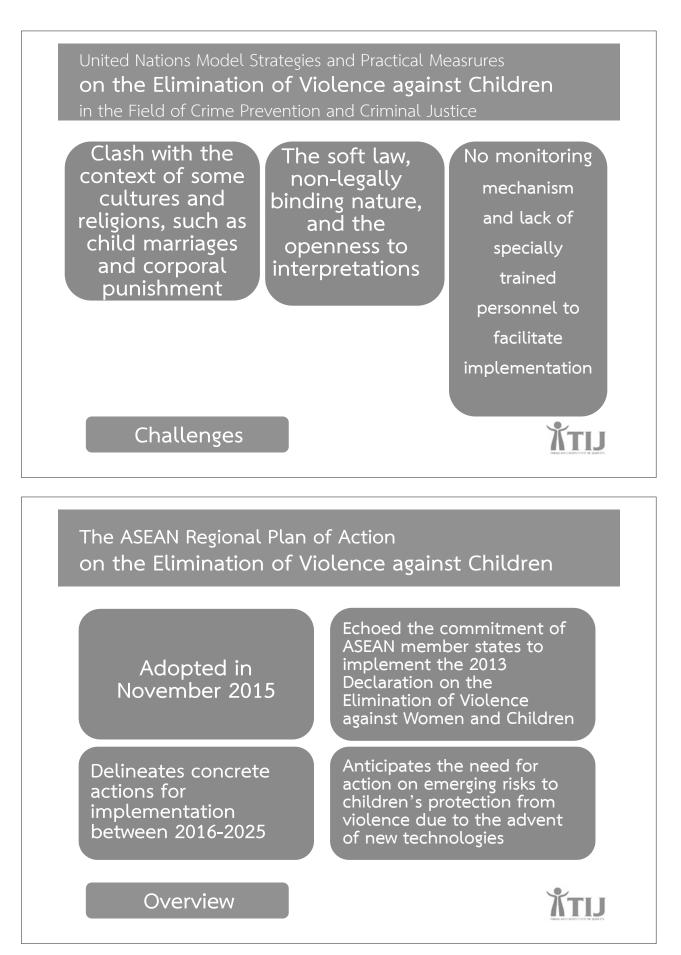


violence that may result from their contact with the system (TIJ, 2015)

Overview









Status of Key International Conventions and Extraterritorial Legislation

Country	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		UN Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Trafficking	Extraterritoria Legislation
	Signature®7	Ratification	Signature	Ratification	Ratification	
Brunei Derussellern	-	✔ Accession	x	x	~	~
Cambodia	v	~	~	~	~	~
Indonesia	~	~	~	~	v	~
Lao PDR	-	✔ Accession ^{tro}		✔ Accession	~	~
Malaysia		✔ Accession		✔ Accession	~	~
Myanmar	-	✔ Accession	1	✔ Accession	~	v
Philippines	~	~	~	~	~	×
Singapore	×	×	x	×	~	~
Thailand	1	✔ Accession	~	~	~	~
Timor-Leste	-	✔ Accession		✔ Accession	~	~
Vietnam	~	~	2	✓ Accession	~	v ==

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	Signature	Ratification	Signature	Ratification	Ratification	
Australia	~	~	~	~	~	~
China	~	~		✔ Accession	v	~
Franco	~	~	~	~	~	~
Germany	~	~	~	~	~	~
Japan	v	v	~	×	~	~
Republic of Korea	v	v	~	x	v	~
Russian Federation	~	~	~	~	v	~
United Kingdom	~	~	~	~	v	~
United States of America	~	~	~	~	~	~



