

## PROTECTING CHILDREN: FROM RHETORIC TO GLOBAL ACTION

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### Abstract

This paper looks at the pandemic of abuse and violence against children worldwide, and examines the historical and cultural roots of these systemic human violations. It proposes strategies to better safeguard children globally, including education and a legal mechanism to hold government officials - national and local - accountable when they fail to protect children from abuse, enslavement, murder, and other crimes, and all too often profit from them.

Keywords: Children, violence, abuse, human rights, child marriage, child sexual abuse, sex trade, femicide, girl children, domination system, partnership system, Crimes against Humanity, Rome Statute, R2P.

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When political candidates proclaim that children are our most precious asset, kiss babies, and feature family photos in ads, we assume they care about children. But when elected, many of these same politicians fail to support laws to protect children from violence and abuse; do not enforce such laws where they exist; and are even complicit

in cruel practices such as sexual abuse, sex trafficking, sexual slavery, indentured servitude, and violent acts against children in homes and schools.

This failure by government officials to protect children is part of a larger global problem: traditions that condone violence and abuse against the most vulnerable among us, often on cultural or religious grounds. So strong are these traditions that only in recent years have these human rights abuses begun to receive attention, even from human rights advocates.

This paper looks at the extent of children's human rights violations worldwide. It examines the historical and cultural roots of these violations. And it proposes strategies to better safeguard children globally, including education and a legal mechanism to hold government officials - national and local - accountable when they fail to protect children from abuse, enslavement, murder, and other crimes, and all too often profit from them.

## **THE PANDEMIC OF CRIMES AGAINST CHILDREN**

Over the last decades, for the first time in history, numerous reports have documented the magnitude, severity, and systemic nature of crimes against children worldwide, as well as their consequences, including traumas and all too often deaths.

### **Child sexual abuse**

A decade ago, the World Health Organization estimated that 150 million girls and 73 million boys under the age of 18 have experienced forced sexual intercourse or another form of sexual violence (United Nations, 2006a). According to the 2014 Child Maltreatment report by the U.S. Department of Human Health and Services, more than 58,000 U.S. children were sexually abused in 2013 (U.S. Department of Health & Human

Services, 2014), with other organizations such as the National Coalition to Prevent Child Sexual Abuse and Exploitation estimating that the number is probably much higher (National Coalition to Prevent child sexual abuse and exploitation (2012). UNICEF estimates that globally, “five to ten percent of girls and up to five percent of boys suffer penetrative sexual abuse over the course of their childhood” (UNICEF, 2009: 25). Fifty-five studies from 24 countries indicated that the incidence of sexual abuse ranges from 8 to 31 percent for girls and 3 to 17 percent for boys, with nine girls and three boys out of 100 being victims of forced intercourse or rape (Barth et al, 2013). United Nations reports indicate an even greater percentage, based on data showing that between 7 and 36 percent of adult women and between 3 and 29 percent of adult men reported sexual victimization in the home during their childhood (United Nations, 2006b:13). Yet in many world regions these crimes are rarely prosecuted. Indeed, the well-documented practice of the Catholic Church of transferring priests who abused children from parish to parish, where their sexual abuses continued, is still another piece in the mounting evidence that not only our laws but many of our religious institutions have failed to protect children (Dodds, 2010).

### **Child marriage**

According to a 2005 United Nations State of the World’s Population report (UNFPA, 2005), more than 51 million girls under 18, and one in seven under the age of 15 are forced to marry, sometimes being given by their families to men more than twice their age (UNFPA, 2005). The practice is most common in sub-Saharan Africa and Southern Asia, but is also found in other parts of Asia, the Middle East, North Africa, and Latin America. In Ethiopia and parts of West Africa, girls were married as early as age seven (UNFPA, 2005). Yet child marriage is still justified as a religious or moral tradition in many parts of the world - even though these children are often traumatized, condemned to a life of servitude, and subject to beatings and other violence by their husbands and family (for example, India has the world’s highest levels of domestic

violence among women married before the age of 18) (UNFPA, 2005). Many die from becoming pregnant too young, and those who survive often suffer from life-long health problems such as fistulas (in Nigeria alone, the numbers of fistula sufferers are astronomical - up to 800,000 women, according to one report, with many thrown out by their husbands and families to die on the streets) (Navai, 2008).

### **The child sex trade and sexual slavery**

Child marriage is a form of sexual slavery and abuse that, as in recently reported cases in Yemen, sometimes result in the child bride's death from intercourse with a man over twice her age. However, these sexually abused children are not counted in the statistics that have accumulated in connection with two other closely related crimes against children: the sex trade and sexual slavery, which victimize millions of girls and a large number of boys every year. The traumatic effects of these crimes have only now begun to be examined, as is the fact that these children are sometimes sold into the sex trade by members of their own families (Arc of Hope, 2017). According to UNICEF, at least 30 million children were sexually exploited over the past 30 years (UNICEF UK, 2004). In the United States alone, where human trafficking is a \$9.8 billion domestic industry, at least 100,000 children are used as prostitutes each year according to the report from Shared Hope International (Stanton, 2013), and a U.S. State Department report indicates that two million children are subjected to prostitution in the global commercial sex trade annually (U.S. State Department, 2009). Government complicity in these crimes is also increasingly documented; for example, in *Child Exploitation and Trafficking*, judge Virginia Kendall and law professor T. Marcus Funk write that "public corruption in the creation, facilitation, and continuation of international child trafficking and other forms of child sexual exploitation cannot be underestimated," and urge that more attention be paid to the role of public corruption in child pornography, sex trafficking, and sexual slavery (Kendall & Funk, 2016, p. 79).

### **Female genital mutilation/cutting (FGM/C)**

Another sexual crime that affects millions of girls is female genital mutilation/cutting (FGM/C). This practice is a horrible form of torture, ranging from the cutting out of the clitoris to also cutting out the labia and sewing the vagina together so it must be cut open for intercourse and again for childbirth. It is justified on the grounds of religion and/or tradition; often performed with rusty knives; and leaves the girls who survive with lifelong health problems, not to speak of trauma. Yet according to the World Health Organization (2010), 92 million girls age 10 years and above have been subjected to it in Africa alone, and in Egypt more than 90 percent of women are genitally mutilated. In addition, FGM/C is widespread in other countries in the Middle East and Asia, and is being exported by immigrants to North America, Europe, and Australia (UNIFEM, 2008).

### **Crimes that target specific kinds of children**

Female genital mutilation/cutting is only one cruel “traditional” practice that specifically targets girl children. Other crimes based on gender include female infanticide, the denial of health care and food to girl children, and so-called “honor murders.”

The murder of female babies is still a culturally accepted practice in parts of Asia, the Middle East, and Africa. The Chinese government condemned these murders, particularly after its one-child policy led to an epidemic of female infanticide. Yet female babies are still murdered with impunity in rural areas, as described in a report in *The Economist* of how a baby was dumped in a garbage can and a policeman remarked he could do nothing since it was only a girl (*The Economist*, 2010). The Indian government too has taken a stand against female infanticide; but again, particularly on the local level, it is not generally prosecuted.

Also culturally condoned is the practice found in parts of Asia as well as other world regions, including Latin America, of parents denying girl children food and health care. For instance, in her autobiography, Rigoberta Menchú wrote (with no condemnation) that in her indigenous community it is customary to nurse little boys longer than little girls (Menchú, Burgos-Debray, & Wright, 1987).

Even murder in the name of honor is not classified as a crime in many regions of the Middle East, Africa, and Asia, and, according to the Honour Based Violence Awareness Network (HBVA), founded by Deyaah Khan, a Swedish filmmaker of Pashtu-Punjabi descent, teenage girls are often its victims (Honour Based Awareness Network, n.d.) According to the Jordanian journalist Rana Hussein, so-called honor killings accounted for one-third of the murders of women in Jordan in 1999, and these murders by family members are even considered justified where the family “dishonor” was due to a girl being raped, as in the case of a sixteen-year-old girl who was killed because she was raped by her brother (who, like the family members who murdered her, was not punished for raping his sister) (Hussein, n.d.).

In addition to crimes that target girls are crimes that target other classes of children. An example are albino children, who are murdered in parts of Africa such as Malawi for their body parts, which are supposed to have magical qualities that, when used in rituals, bring wealth, power, and good fortune (Dixon, 2017). Also killed in countries such as Nigeria, Cameroon, Angola, and the Congo are children accused of being witches by pastors who, through a blend of evangelical Christianity and native religions that also believe in witchcraft, charge huge sums for supposedly casting out these witch spirits. Usually these children are killed by their own parents when they cannot or do not want to pay these pastors, like a little boy whose father chopped his son’s head off with an axe - and was never punished by the authorities (Kukolia, 2014).

Another group that is especially vulnerable are homeless children. According to the U.S. Department of Housing and Urban Development, in 2013, approximately eight percent of homeless people in the United States were children, and of these, 66 percent were unaccompanied children and youth, half of who were unsheltered (U.S. Department of Housing and Urban Development, 2013). In addition to chronic hunger, cold, and physical and mental health problems, these children are often coerced into prostitution, pornography, stripping, and other forms of sexual exploitation, with the Federal Bureau of Investigation reporting that by 2010 the sex trafficking of these children reached a level of “epidemic proportion” in the United States (FBI Law Enforcement Bulletin, 2011). In other parts of the world, the fate of these children is even worse; for example, the news agency Telesur reported that the United Nations accused Brazilian police of killing homeless children to “clean the streets” ahead of the Olympic Games 2016 in Rio de Janeiro, with these murders authorized by the government (Telesur, 2015).

### **Violence against children in schools**

Receiving almost no press coverage, but affecting millions of children worldwide, is violence against children in schools. Generally described as “corporal punishment,” this practice is still legal in 90 countries, and 350 million students around the world face violence in their schools each year (Australia Broadcasting Corporation, 2008). According to the report “Learn Without Fear,” this includes 33 types of violence, from beatings to hitting children on the head and “penciling” (putting a pencil between two fingers and tightly squeezing the fingers). In the United States, paddling - that is, hitting a child’s buttocks with a wooden instrument - is still legal in 21 states, and, according to the Office for Civil Rights at the U.S. Department of Education, is used frequently in rural areas of 13 Southern states (CNN, 2008).

### **Violence against children in homes**

In most cultures, violence against children is still considered an acceptable, even moral, form of discipline. Some of this violence is extremely severe: physical blows (on many areas of the body, not only on the buttocks), kicking, shaking, throwing, scratching, pinching, biting, burning, whipping, scalding, suffocating, and beatings with belts, bats, sticks, metal rods, and other instruments. In other words, children are subjected to acts that in other circumstances would be classified as torture; acts that, especially since these children are dependent on the adults who commit them, are especially traumatic. Yet 84% of adults in a 2005 study agreed that it is sometimes necessary to discipline a child with a good hard spanking (Straus & Mathur, 1996; Durrant, 2005), and in most world regions, using force to punish children in families is not defined as an act of violence, even though it would be criminal if used against an adult (United Nations, 2006c).

### **Indentured and forced child labor and child conscription**

Children in many world regions are still forced to work in dangerous and inhuman conditions (International Labour Organization, n.d.). In Afghanistan, children as young as age four are subject to forced labor and debt bondage, and in Bangladesh young children often work in exchange for advance payments that have been made to their parents (United States Department of Labor, n.d.).

Children are also placed in combat-related roles, setting explosive devices or trained as suicide bombers. For example, the Ugandan Lord's Resistance Army (LRA) abducted about 25 000 children since the 1980s according to the 2008 Global Report on Child Soldiers by the Coalition to Stop the Use of Child Soldiers, and according to an *Al-Jazeera* report (2017), the use of child suicide bombers, including girls, in Nigeria, Niger, Cameroon, and Chad by Boko-Haram is on the rise.

## THE ROOTS OF VIOLENCE AGAINST CHILDREN

Taken together, the crimes listed above constitute widespread, abhorrent, and systemic violations of the human rights of many millions of children, causing enormous harm and trauma, with life-long effects. The question that arises is why these crimes have been given so little attention in the thousands of volumes that have by now been written about human rights.

One reason is a seldom-noted fact: the astonishing omission, or at best marginalization, of children in what we have been taught as “important” knowledge and truth. The one exception is in departments of education in universities; but even here, the family - the social space where children spend a good part of their early lives - is merely given a nod.

Another reason for the virtual absence until recent times of discussions of children’s rights as human rights is an equally astonishing fact: none of the major social categories we use to describe social systems - right or left, capitalist or socialist, industrial or pre- or post-industrial, Eastern or Western, Northern or Southern - have much, if anything, to say about children or families.

These omissions in both language and normative narratives have served a purpose. They condition people to consider what happens in families and to children to be of little if any real social importance.

Still another reason for the silence about violations of children’s human rights is that religious scriptures contain commands to actually use violence against children, such as the famous biblical “spare the rod and spoil the child.” So, to this day, many

traditions of abuse and violence are still justified on religious grounds, as we saw in the discussion of crimes against children in the previous section.

Again, we may ask, why would religions prescribe and/or permit violence against children in families? And why do so many people still believe that this is acceptable, even moral - even though the same acts against strangers would almost universally be condemned as crimes?

Answering these question requires a new cultural analysis: one in which the social construction of families, and hence parent-child relations, plays a key part. The categories of the *domination system* and the *partnership system* provide the conceptual frame for this analysis.

Based on findings from a multidisciplinary cross-cultural study of human societies over a long span of time, unlike conventional social categories - such as right or left, religious or secular, capitalist or socialist, Eastern or Western, Northern or Southern, and industrial, pre-industrial or post-industrial - these new categories show the connections between what happens in the public sphere of politics and economics and what happens in the private sphere of family and other intimate relations.

We see these connections if we look at the four core characteristics of domination systems: 1) authoritarian rule in *both* the family and the state or tribe, with strict hierarchies of domination; 2) rigid male-dominance, and with this a devaluation of “feminine” traits and activities such as caring, caregiving, and nonviolence, which are deemed unfit for “real men”; 3) a high degree of socially approved, even idealized, abuse and violence, from child and wife beating to chronic warfare; and 4) stories and language that present ranking of domination, as well as the abuse and violence needed

to impose or maintain them, as normal, moral, and inevitable (Eisler 1987, 2000, 2002, 2016).

On the other side of the social spectrum are partnership systems. In contrast to domination systems, the four core characteristics of these systems are: 1) a democratic and egalitarian structure in *both* the family and state or tribe, with hierarchies of actualization where power is used to empower rather than disempower, and accountability and respect flow both ways, not just from the bottom up; 2) equal partnership between women and men, and with this, high value given in both genders to qualities and activities such as caring, caregiving, and nonviolence; 3) a low degree of built-in abuse and violence in both families and the state or tribe, as they are not needed to impose or maintain rigid top-down rankings; and 4) language and stories that present relations of mutual respect, accountability, and benefit as natural, and do not normalize or idealize abuse and violence (Eisler 1987, 2000, 2002, 2016).

These new categories pay particular attention to findings from neuroscience showing that what children experience or observe in their early years directly impacts how their brains develop - and hence how they later feel, think, and act as adults (Niehoff, 1999; Perry, n.d.). By including relations in both families and society at large, the partnership system and domination system show what kinds of social environments support or inhibit our human capacities for consciousness, caring, and creativity, or alternately our capacities for insensitivity, cruelty, and destructiveness (Eisler, 2016).

No society is a pure domination or partnership system. But where a time or place falls on the partnership/domination social scale directly affects all aspects of life - including how children are viewed and treated.

To briefly illustrate, we see the domination configuration in the most repressive and violent societies of modern times - from Hitler's Germany, Stalin's USSR, Kim Jong Un's North Korea, and Mao's China to the Taliban, Isis, and other fundamentalist cultures (societies that include secular and religious, Eastern and Western, and rightist and leftist regimes). In all these societies, the ideal norm is authoritarianism, a high degree of punitiveness, and rigid male-dominance in *both* the family and the state. In other words, what we see are interconnections: mutually reinforcing dynamics between what happens in the so-called private and public spheres of life.

Societies that orient more to the partnership configuration also transcend conventional categories such as religious or secular, Eastern or Western, and technologically developed/less developed. They include indigenous societies such as the Indonesian Minankabao, the Chinese Mouso, and the La Paz Zapotec of Mexico from one side of the technological spectrum, as well as technologically advanced societies such as Sweden, Finland, and Norway. In these cultures we again see feedback loops between family and other intimate relations, on the one hand, and whether a society is more peaceful, equitable, and democratic, on the other.

The history of partnership and domination systems is beyond the scope of this paper. However, a brief perusal is in order, and again it differs substantially from conventional narratives about human cultural evolution.

Recent studies show that foraging societies, which were the norm for millennia of early human history, are generally partnership-oriented. As anthropologists Douglas Fry and Genvieve Souillac and psychologist Darcia Narvaez note, these kinds of societies, which lasted over the millennia that constitute 99 percent of human history, did not use violence against children and were generally peaceful and egalitarian - in Fry's and Souillac's words, they were the original partnership societies (Narvaez, 2017; Fry &

Souillac, 2017). These findings contradict the familiar narrative that human nature is inherently violent, which supports the belief that domination systems are either divinely or naturally ordained. Moreover, evidence that this kind of social organization was also the general norm in both the Paleolithic and early Neolithic - that is, until just a few thousand years ago - is also emerging, supporting ancient stories such as those of Hesiod in the West and Lao Tzu in the East of an earlier more peaceful time and harmonious time, when as we read in the Tao te Ching, the *yin* or female principle was not yet subordinate to the *yang* or male principle (Eisler, 1987a).

However, between 3,000 and 10,000 years ago, a massive cultural shift occurred. Subsequently, for most of recorded history, the social orientation was generally toward the domination system (Eisler, 1987a).

With this shift came a view of both children and women as possessions over which the male head of household had life-and-death powers. So we learn from the Bible that Abraham was about to slaughter his son Isaac when his hand was stayed by divine orders (Genesis 22:1-19), and that Jephthah did kill his daughter after vowing to sacrifice the first thing that came out of his house if he won a battle with the Ammonites (Judges 11). In ancient Greek writings, we read how king Agamemnon kills his daughter Iphigenia as a sacrifice so his ships can sail to Troy (Hughes, 2000). Even later, under the laws of the fabled ancient Athenian democracy, the male head of household had the right to have newborn babies “exposed” (abandoned to slowly die), which was often the fate of female children in this rigidly male-dominated, warlike, slave-holding domination-oriented system (Keuls, 1995).

There were periods of partnership resurgence, when the domination creed of “might makes right” was challenged, as it was two thousand years ago by the teachings of Jesus

(Eisler, 1987a). But not until approximately three hundred years ago do we see mass movements challenging traditions of domination.

## **THE STRUGGLE FOR CHILDREN’S RIGHTS**

During the 1700s, the “rights of man” movement that emerged during the European Enlightenment challenged the “divinely ordained” right of despotic kings to rule their “subjects.” This was followed by the feminist movement, which challenged the “divinely ordained” right of men to rule the women and children in the “castles” of their homes. The abolitionist, civil rights, and anticolonial movements challenged the “divinely ordained” right of one race or nation to rule over another. The pacifist and then peace movements challenged the use of force to impose rankings of domination. The movement for social and economic justice, and later the human rights movement, challenged traditions of violence and injustice. The environmental movement challenged man’s “divinely ordained” right to dominate and conquer nature.

The organized challenge to the tradition of domination and violence against children has been a latecomer in the challenges to traditions of domination. Like earlier movements toward partnership, it has been, and still is, widely resisted worldwide. Nonetheless, there has been some forward movement on both the national and international levels.

Progressive educators such as Maria Montessori challenged the customary use of violence to discipline children in schools. Pediatricians and other experts in child development have denounced spanking and other uses of force against children in families.

In 1979, Sweden, a nation that has been moving toward the partnership side of the social scale, became the first country to outlaw slapping and spanking.<sup>1</sup> Since then,

other countries have addressed this issue: Finland (1983), Norway (1987), Austria (1989), Cyprus (1994), Italy (1996), Denmark (1997), Latvia (1998), Croatia (1999), Bulgaria (2000), Germany (2000), Israel (2000), Iceland (2003), Ukraine (2004), Romania (2004), Hungary (2005), Greece (2007), Netherlands (2007), and New Zealand (2007) (NoSpank, 2007).<sup>1</sup> Between 2008 and 2016, another twenty nations put similar laws on their books, including Lichtenstein, Luxembourg, Moldova, Costa Rica, Argentina, Brazil, Slovenia, and Ireland (UN Tribune, 2016).

Internationally, the United Nations Convention on the Rights of the Child was adopted in 1989. The convention states that “States 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 parent(s), legal guardian(s) or any other person who has the care of the child” (UNHR, 1987).

In 2006, a special report commissioned by the Secretary General of the United Nations specifically condemned all forms of violence against children. It stated that there can be “no compromise in challenging violence against children. Children’s uniqueness - their potential and vulnerability, their dependence on adults - makes it imperative that they have more, not less, protection from violence.” It further stated that “member States must act now with urgency to fulfill their human rights obligations and other commitments to ensure protection from all forms of violence,” and that “no violence

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<sup>1</sup> Prior to the enactment of the anti-spanking laws, opinion polls from 1965 showed that 53% of the Swedish people considered physical punishment indispensable. An anti-spanking campaign during 1970s resulted in a shift to 30% of the population believing that physical punishment was indispensable. By 1994, survey results show that a majority (89%) of Swedes were opposed to every form of physical punishment. Subsequent research (2000) indicates that the percentage of the population opposing all forms of physical punishment has risen to 92%, and among today’s generations of parents and the generation to come, there is a greater abhorrence of physical punishment. *Save the Children, Sweden*. (2001).

against children is justifiable; all violence against children is preventable” (UN News Center, 2006).

These are important steps in the gradual movement toward the partnership side of the social scale. But much more is urgently needed - not only if children worldwide are to be protected and cared for, but also if we are to build a world where human rights are honored in all spheres of life.

It should be enough to say that ending the widespread and heinous violations of children’s human rights must be a top priority for international human rights organizations, local and national governments, the United Nations, and other international institutions. But while it has been said and said again, as we saw earlier, these egregious human rights violations and the enormous suffering and damage they cause continue worldwide (Eisler, 2013).

Sexual abuse is an example. It has not been enough to document the horrific personal effects on millions of children of this crime, which has been found to disrupt not only normal childhood development but also normal brain functioning (Perry, 2002), even though the injuries and psychological damage from sexual abuse often haunt children throughout their lives, not to speak of the many it has killed, especially in the sex industry, whether from contracting AIDS or at the hands of sex traffickers/enslavers (World Health Organization, 2000).

This failure to end the suffering and deaths of children has led child advocates to focus attention on the economic costs of these crimes. For example, the huge costs of sexual abuse, from the spread of sexually transmitted diseases and teen pregnancies to the lost human potential, have been well documented (World Health Organization, 2000).

There are also enormous social and political costs associated with traditions of abuse and violence against children that become starkly visible from the perspective of the partnership/domination social scale (Eisler, 2016). I have written extensively about this matter elsewhere, so I will only briefly address some salient points here.

Studies going back to the classic *The Authoritarian Personality* (Adorno, Frenkel-Brunswick, Levinson, & Nevitt Stanford, 1964) document that people who participate in and/or acquiesce to authoritarianism, violence, and scapegoating in the state or tribe tend to be individuals from families in which authoritarianism, violence, and scapegoating were the norm. These kinds of findings, as well as the findings from neuroscience of how children's experiences and observations affect nothing less than how their brains develop, highlight the still widely ignored interaction between family and other intimate relations, on the one hand, and what people consider normal and moral in the state or tribe, on the other.

This is not to say that everyone raised in a household in which children are subjected to abuse, discrimination, and oppression, or observe their mothers subjected to this treatment, accept human rights violations in the public sphere. But as shown by the data outlined in this article, unfortunately a great many do.

I want to emphasize that what I am describing are not simple causes and effects, but interactive mutually supporting systems dynamics. As scholars in the fields of systems self-organization and chaos theory have noted, complex living systems cannot be understood in simple linear terms. So, to better understand how societies function, what has become known as systems analysis is required.

Using this new approach, we can see that unless particular attention is paid to changing

how children are viewed and treated, we will not have the foundations for more equitable and peaceful relations - be it in families or in the family of nations.

## **A CALL TO ACTION**

I believe that education is a major instrument for cultural change. But as someone who also has a legal background, I believe that law and its enforcement can play a major role in this process.

I have therefore proposed expanding the purview of international law to protect children worldwide (Eisler, 2013). The Rome Statute, especially Article 7 on Crimes against Humanity, was enacted to enable the International Court to prosecute those responsible for widespread, abhorrent, and systemic violations of human rights, including those who in a State participate in, condone, or fail to prohibit or provide adequate protection against these practices.<sup>2</sup> While the Rome Statute has been applied primarily to acts in wars or armed conflict zones, the intent of the statute is the protection of certain groups from genocide and/or widespread, abhorrent, and systemic violations of human rights.

However, as it now stands, the Rome Statute does not list *children* under protected groups. This is why I have proposed two actions:

1. Expanding the interpretation of relevant sections of the Rome Statute, particularly sections of Article 7 - Crimes against Humanity, to include widespread and systemic practices that cause children great suffering or serious injury to physical or mental

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<sup>2</sup> The Rome Statute (sometimes called the International Criminal Court Statute or the Rome Statute of the International Criminal Court) established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome on 17 July 1998, entered into force on 1 July 2002, and has been used in a number of high profile cases such as the trial of a Serbian leader for war crimes.

health but are not punishable under a state's laws or, if there are laws, they are not being enforced.

2. Where necessary, amending the Rome Statute to include childhood under the description of protected groups.

I have also proposed that the Rome Statute be interpreted and/or amended to include gender as a protected category, in addition to nationality, race, ethnicity, and religion. Like childhood, gender should have been included in all sections when the statute was adopted, given the many crimes that specifically target women and girls, including female infanticide, genital mutilation/cutting, and selective denial to girl children of food and health care, as well as the fact that girl children constitute an immense proportion of the victims of other human rights violations, such as child marriage, sexual abuse, and sex trafficking.

These proposals are detailed in the chapter I have written, "Protecting the Majority of Humanity," in *Sustainable Development, International Criminal Justice, and Treaty Implementation* (Eisler, 2013). It can be downloaded at

<https://centerforpartnership.org/wp-content/uploads/2015/11/Protecting-the-Majority-of-Humanity.pdf>

Of course, I do not expect the international community to immediately support what I have proposed. Nonetheless, concrete proposals for expanding the purview of international law are important, both to make visible the extent and severity of crimes against children and to hold accountable those who have the power to prevent and or punish them.

The emerging principle of Responsibility to Protect (R2P) can also play a role, as it strengthens the interpretation of the Crimes against Humanity Section of the Rome Statute to hold those officially or unofficially acting for governments responsible when practices are well-known, widespread, large-scale abuses against civilian populations that cause great suffering or serious injury to physical or mental health, but are not included in a state's laws, or, if there are laws, they are not enforced.<sup>3</sup>

I invite readers to contribute their expertise to this effort to reinterpret and amend international law, and engage universities, law firms, and other organizations to provide the leadership and resources to bring it to fruition.

I also want to invite readers to play a part in a much-needed global educational campaign to bring awareness and knowledge about the problems, needs, and potentials of children worldwide. This is vital if traditions of abuse and violence against children are to end.

This campaign should highlight practical resources for parents, schools, universities, and government officials at all levels, and include information on stages of child development as well as guidelines for the care and education of children. An example is the "Caring and Connected Parenting Guide" (Rando, 2010), based on what we know today from neuroscience and other scientific sources (for instance, that spanking teaches children that using violence to impose one's will on others is acceptable, and that it is actually an ineffective and counterproductive form of discipline). Rando's guide has been endorsed by leading pediatricians as well as Nobel Peace laureates (who

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<sup>3</sup> The Responsibility to Project ("RtoP" or "R2P") is a new international security and human rights norm. After the first report on R2P by UN Secretary General Ban ki-Moon released on 12 January 2009, the first resolution on the Responsibility to Protect ([A/RES/63/308](#)) was adopted by the General Assembly on 14 September 2009.

recognize that intimate and international violence are interconnected), and can be downloaded in English and Spanish at <http://saiv.org/parenting-guide/>.

Education for parenting should also be mandatory in universities, not only because many students will eventually become parents but because this knowledge must be widely disseminated to counter traditions of abuse and violence against children in families that is still often justified on religious or moral grounds. In addition, education from pre-school to graduate school should include education for caring for life - for self, others, and nature - as proposed in *Tomorrow's Children: A Blueprint for Partnership Education in the 21<sup>st</sup> Century* (Eisler, 2000).

In 1954, the United Nations established *Universal Children's Day*, held on November 20<sup>th</sup> each year “to promote international togetherness, awareness among children worldwide, and improving children's welfare,” as well as to “advocate, promote and celebrate children's rights, translating into dialogues and actions that will build a better world for Children” (United Nations, n.d.). This day can bring millions of us together to advocate for children's human rights worldwide. It should be a day when education about the rights of children, both inside and outside of their families, is disseminated widely; when petitions are circulated to obtain signatures for submission to officials at all levels demanding that laws to protect children be enacted and enforced; and a day when children themselves have the opportunity to have their voices heard without fear of retribution.

It has sometimes been argued that what happens inside a family should be free from outside interference. But this kind of argument was not long ago made to prevent “outside interference” from human rights advocates in what happens inside a State. The same grounds for the rejection by international law of “non-interference” regarding the conduct of States are applicable to the rejection of “non-interference”

regarding human rights violations in families (Charlesworth, Chinkin, & Wright, 1991; Eisler, 1987b).

Indeed, the new international doctrine of Responsibility to Protect (R2P) recognizes that we have the responsibility to “interfere” wherever systemic and egregious human rights violations are involved. And, as we have seen, many systemic, egregious, and traumatic violations of children’s human rights take place within families.

Children are generally dependent on their families, without the financial resources or capacities to care for themselves. It is therefore our responsibility to speak for them.

A central principle of international law is that when a State fails to protect people from widespread, large-scale abuses that cause great suffering or serious injury to physical or mental health through its policies and laws or through the failure to enforce its laws, it is complicit in these abuses.

Indeed, we are all complicit if we do nothing to end the widespread, systemic, and atrocious crimes against children that continue worldwide. We must speak, and act, to protect the most vulnerable among us - not only for their sake, but for the sake of us all. Only when children are truly cared for and protected will we have foundations for a more just and caring world.

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