

BACKGROUND GUIDE

United Nations Children's Fund (UNICEF)



Property of Lagos Model United Nations

Background Guide: United Nations Children's Fund (UNICEF)

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LMUN 2022: The Seventh Session

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Letter from USC

Dear delegates,

Welcome to the Lagos Model United Nations 2022, the 7th session. It is my pleasure to welcome you all to this conference which allows individuals from different parts of the world to engage in recent international problems and create solutions. LMUN as an experience will improve your problem-solving skills, public speaking skills, teamwork, confidence, leadership skills, and life connections. LMUN will continue to be life-changing. I cannot wait for you to experience this too.

The staff for the United Nations Children's Fund (UNICEF) are: **Ayooluwa Adekoje** (Under-Secretary-General); **Victoria Kasali** (Chair); **Joshua Adeyeye** (Vice-Chair); **Jadesola Shodimu** (Researcher); **Motunrayo Folorunsho** (Researcher).

Ayooluwa Adekoje is in his 4th year, studying law at the University of Lagos. His LMUN journey began in 2019, when he won the distinguished delegate award in the Assembly of African Union(AAU). In 2020, he won the outstanding delegate in the General Assembly. These experiences led to him serving as the vice chair of FAO in 2021. Ayooluwa is passionate about international relations, Tax and international law. **Victoria** is a 400-level law student at the University of Lagos and was a delegate at the 2020 LMUN conference, where she had the privilege of winning three awards, one committee award for being a Distinguished Delegate and two peer awards. She served as a researcher in the UNICEF committee at the 2021 conference and is currently Chair of the UNICEF committee. **Joshua** has studied with keen interest the activities of LMUN. Being delighted to be part of the formidable team for LMUN 2022, he was appointed as the Vice-Chair alongside Victoria Kasali, the Chairperson of the UNICEF Committee. **Jadesolaoluwa** was a delegate at LMUN 2021, representing the Republic of France in the Security Council and winning an award for the best position paper in the committee. She is currently serving as a researcher at the 2022 LMUN conference. **Motunrayo**, a first-year student of the faculty of Law, has always been a committed follower of programs that aid youth development and promote adequate leadership skills. She was appointed as a researcher for the LMUN.

UNICEF focuses on the enforcement of child rights, and caters for the needs of children, especially in disadvantaged communities, in times of war, pandemics, social or political unrest, and natural, national and international disasters.

The topics to be discussed by the committee are:

- I. Addressing the Mental Health of Children in Disadvantaged Communities
- II. Sexual Abuse and Child Pornography in the Digital Age

The Background Guide will form the basis to begin your research on your topics at LMUN. Regardless, it is not to be a stand-in for undertaking the extensive research required of you as individuals. The Further Research, Annotated Bibliography and Bibliography will serve you well and aid in your research. Additionally, the Delegate Prep Guide and the Rules of

Procedure will provide you with guidance for the conduct expected and procedure of the conference. These documents are available on the LMUN website- www.lmun.ng.

Every delegate is expected to submit a position paper by a later communicated date after registration and assignment of country and committee, in accordance with the position paper guide which is on the LMUN website.

Any enquiries or concerns during your preparation for the committee or the conference should be directed to the USG at – usgdevelopment@lmun.ng.

We anticipate your presence at the conference!

Ayooluwa Adekoje

USG Development, LMUN 2022.

Abbreviations

ACEs: Adverse Childhood Experiences

ACRWC: African Charter on the Rights and Welfare of the Child

CAMH: Child and Adolescents Mental Health

CASSON: Counselling Association of Nigeria

CRC: Convention on the Rights of a child

CSAM: Child Sexual Abuse Material

ECOSOC: Economic and Social Council

EFC: European Financial Coalition

GA: General Assembly

ICT: Information Communication Technology

IGF: Internet Governance Forum

INTERPOL: International Police

ISP: Internet Service Provider

IWF: Internet Watch Foundation.

INHOPE: Internet Hotline Providers in Europe

NGOs: Non-Governmental organisations

OPAC: Optional Protocol to the Convention on the rights of the child in the involvement of children in Armed Conflict

SDGs: Sustainable Development Goals

UNESCO: United Nations Educational Scientific and Cultural Organisation

UNICEF: United Nations Children Fund

URLs: Uniform Resource Locators

WHO: World Health organisation

WPA: World Psychiatric Association

Committee Overview

Introduction

The United Nations Children Fund (UNICEF), which was initially known as the United Nations International Children's Emergency Fund, is "the driving force that helps build a world where the rights of every child can be realised."¹ The General Assembly created the committee on 11th December 1946 after World War II to mitigate the suffering of children and mothers in countries that had been ravaged by the War by providing necessary services for survival such as emergency food and healthcare.²

In 1953, it became a permanent part of the United Nations System, and the words "international" and "emergency" were dropped from the organisation's name, though it retained the original acronym, "UNICEF." The committee upholds and is guided by the Convention on the Rights of the Child (CRC) which was established in 1989.³ It sets out and protects the rights of the child. A distinctive factor from other communities is that it can influence the global implementation and enactment of policies relating to a child.

The UNICEF committee has 70 years of experience in catering for the needs of children and adolescents, it has a strong presence in over 190 countries worldwide, especially in disadvantaged communities, in times of war outbreaks, climate change, pandemics, natural disasters, and social or political unrest, and other national or international disasters. UNICEF alleviate impacts of these crises on children by strengthening national systems to reach the most marginalized children and communities to better prepare them to be able to prevail against future threats.⁴ In fulfilling its duty of enforcement of child rights, the Committee provides relief materials and is currently the world's largest vaccine provider. The committee

¹ UNICEF, 'The United Nations Children's Fund'

² UNICEF, 'Creative community outreach initiative'

³ UNICEF, 'Functions'

⁴ UNICEF, 'Annual Report 2021'

has conducted numerous initiatives and taken up the responsibility of translating the principles of the rights of a child to real results with trained staff and copious research.⁵

Some of the notable achievements of the committee in the past year include helping over 48 million children out of school children to access education, providing access to clean water and safe sanitation to over 69 million children,⁶ advocating for the release of children in detention, which lead to a major policy breakthrough touching the lives of over 45,000 children in 84 countries that were unjustly detained and releasing them from detention,⁷ and preventing the child marriages to over 7 million adolescent girls.⁸

Governance, Structure, and Membership

The United Nations Children Fund (UNICEF) was created by *Resolution 59 (1)* of the United Nations General Assembly on 11 December 1946. For over 70 years the committee has been and still is dedicated to advocating for and advancing the rights of children to education, healthcare, nutrition, and also extending this protection to women who struggle, especially mothers.⁹ It is governed by an executive board that is responsible for providing intergovernmental support and oversight in line with the policy guidelines of ECOSOC (Economic and Social Council). This policy reviews UNICEF's activities and approves its policies.¹⁰ The executive board consists of 36 elected members for a three-year term according to the rules set by ECOSOC and is currently headed by Catherine Russel, as the executive director alongside regional directors in the executive office. UNICEF has regional offices headed by officers who are grounded and have experience handling child-related issues.¹¹

⁵ *ibid*

⁶ UNICEF, 'Protecting Child Rights in a Time of Crises'

⁷ *ibid*

⁸ UNICEF, 'Every Newborn Action Plan'

⁹ UNICEF, 'United Nations Children's Fund (UNICEF) History and Purpose' (21 October 2022)

¹⁰ UNICEF, 'UNICEF Mission Statement'

¹¹ Nancy, 'Unicef Org Chart: How Does The United Nations Children's Fund Work?'

The operations of this body are coordinated by The Bureau which is made up of a president and four vice-presidents. The annual reports of UNICEF are submitted to the General Assembly (GA) through ECOSOC.¹² These annual sessions are usually held in June and two other sessions in February and September, where all decisions are reached by consensus. UNICEF is currently in over 190 countries with over 36 national committees. It is funded entirely by voluntary contributions from members and independent collaborators.

Mandate, Functions, and Powers

The United Nations International Children Emergency Fund (UNICEF) is entrusted with the duty of safeguarding and upholding the rights of children all over the world by protecting their interests, promoting gender equality, eliminating all forms of racial discrimination, ensuring adequate protection of their well being and also promoting a child-friendly environment for all the children, particularly those living in disadvantaged communities. UNICEF is also vested with the duty of focusing on children left behind by wider socio-economic and political issues.

This mandate is supported by the *Convention on the Rights of the Child (CRC)* created in 1989 and ratified by over 140 countries that have pledged to protect and fulfil the rights of every child. This convention spells out the universal, inalienable, and indivisible rights applicable and available to every child. The CRC states that children are not just objects that belong to their parents and for whom decisions are made or adults in training.¹³ It also works together with the Sustainable Development Goals (SDGs) which were adopted in 2015 as a call to action for all countries to improve health and education, reduce inequality and spur economic growth.¹⁴

¹² General Assembly resolutions 48/162 of 20 December 1993.

¹³ UNICEF, 'Convention on the Rights of the Child',

¹⁴ UN Department of Economic and Social Affairs, Sustainable Development, 'Do you know all 17 SDGs?'

The UNICEF motto is “For every child” which is a prefix that guarantees the rights of children all around the world irrespective of gender, race, disability, or any other physical attribute or orientation. The major function of UNICEF is to ensure that each and every child in the world enjoy their fundamental human rights. A number of activities are carried out to accomplish this. The provision of necessary primary healthcare services for children and women around the world by making available needed nutrition and aiding women's sanitation and development; the training and orientation of workers (such as teachers, healthcare specialists, nutritionists and other necessary field workers); the provision of relief materials to deprived communities, victims of social unrest, and climate disaster, the provision of technical supplies to health clinics, emergency assistance to mothers and children during natural and man-made disasters; the provision of educational infrastructure; assisting governments in planning community-based services; creating facilities for pregnant women incorporated with necessary aid needed for safe delivery, for the health and safety of the mother and child, promoting gender equality and fighting against gender disparity.¹⁵

Recent Sessions and Current Priorities

The 5th meeting of UNICEF's first regular session of the executive board 2022 was held in New York from the 8th of February till the 11th of February 2022. The theme of the session was “Reducing Child Poverty through programme and policy.” The board considered 14 country/multi-country programme documents from six of UNICEF's seven operational regions in a bid to focus on child poverty and their social protection. Also, plans for global evaluations were discussed. This is to ensure optimal learning and accountability with the aim of covering all five Goal Areas of the UNICEF Strategic Plan, 2022–2025 emphasis being placed on the evaluation topics that will add the greatest value.

¹⁵ Joseph Athanasius, '11 Functions of UNICEF in Nigeria' (26 September 2018).

At the end of the session, the Executive Board adopted eight decisions, which included the endorsement of the new country/multi-country programmes as well as ongoing country programmes; the four-year plan for global evaluations; a joint evaluability assessment; the Private Fundraising and Partnerships work plan and budget; the financial report and audited financial statements and Board of Auditors' report for 2020 and management response; an update on implementing the recommendations made to tackle sexual misconduct and change the organisational culture; and the establishment of an Assistant Secretary-General position to head the Global COVID-19 Vaccine Delivery Inter-Agency Coordination Structure.

The Committee is set to meet for its 2022 annual session from the 14th to the 17th of June. In a bid to promote gender inclusivity the board encourages women to participate and has taken positive action to ensure broad geographical participation to ensure all voices are heard and promote geographical diversity and gender balance in all decision making processes. This meeting is said to be paperless and all documentation is made available prior to the meeting on the website page. UNICEF reiterates its zero tolerance for harassment of any kind and has made available its code of conduct to all Executive board members.¹⁶

Conclusion

Overall, UNICEF remains dedicated to its objectives. Particularly, it strives for the protection of the rights of children all over the world. Areas in which the committee have been able to advance the interests of children include health, education, and gender equality to mention but a few. To this end, the committee provides primary healthcare services for children and women. It also provides comprehensive training and orientation for teachers, healthcare

¹⁶ UN, Code of Conduct

specialists and nutritionists. In order to promote gender equality, the committee demands cooperation from member states.

Annotated Bibliography

United Nations Children's Fund (2021), 'Annual Report 2021: Protecting child rights in time of crises' available at <https://www.unicef.org/media/121251/file/UNICEF%20Annual%20Report%202021.pdf> accessed on 30 May 2022.

This document talks about the concerted efforts UNICEF and its partners took to protect the rights of children in the midst of the voluminous effects of the COVID-19 pandemic and other issues such as poverty, armed conflict and climate change. It also discusses UNICEF's key achievements in 2021.

United Nations Children's Fund (2021), 'Ending online child sexual exploitation and abuse: Lessons learned and promising practices in low- and middle-income countries, UNICEF, New York' available at <https://www.unicef.org/media/113731/file/Ending%20Online%20Sexual%20Exploitation%20and%20Abuse.pdf> accessed on 22 March 2022.

This document discusses the rate of increased sexual violence through the use of technology. It highlights the comprehensive systems approach that UNICEF has taken with its partners to address this issue in member states. It further discusses the gaps and challenges currently faced and the way forward in reaching the ultimate goal.

United Nations Children's Fund (2022), 'UNICEF Strategic Plan 2022–2025: Renewed ambition towards 2030', New York, available at <https://www.unicef.org/sites/default/files/2022-02/UNICEF-strategic-plan-2022-2025-publication-EN.pdf> accessed on 30 May 2022.

This document contemplates UNICEF's unreserved dedication to protecting and promoting the rights of all children as stated in the Convention of the Rights of the Child. It discusses the way forward in recovering from COVID-19 and the attainment of the Sustainable Development Goals (SDGs) with no child left behind and zero tolerance for discrimination.

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TOPIC 1: ADDRESSING THE MENTAL HEALTH OF CHILDREN IN DISADVANTAGED COMMUNITIES

For too long we have been embarrassed to admit when our children need emotional or psychiatric help, worried that the stigma associated with these problems would be detrimental to their futures.

-Kate Middleton, Duchess of Cambridge

Introduction

The term disadvantaged community is often used to address a community plagued by factors that make it difficult for people living in those areas to live well.¹⁷ This societal status is tied to the economic standing of people in such communities, delineated by factors such as level of unemployment and income (the percentage of inhabitants that fall below the poverty line). Because we cannot solely rely on economics as a yardstick, other social factors that may label a community as disadvantaged include availability of health services, crime rate, the family strength in the community, rate of development, climatic disasters, and community conflicts. Many communities are labelled as disadvantaged for different reasons, including but not limited to reasons of unemployment,¹⁸ climate displacement,¹⁹ war, and intercommunal conflict amongst others. These communities are characterised by poverty, unemployment, unhealthy environment, low income and lack of basic amenities.²⁰

¹⁷ Rhys Price-Robertson, 'What is Community Disadvantage? Understanding the Issues, Overcoming the Problem', Australian Institute of Family Studies (May 2011).

¹⁸ Cherie Bucknor and Dean Baker, 'The Impact of Low Unemployment Rates on Disadvantaged Groups'

¹⁹ Daniel Kusick, 'Climate Adaptation Risks Displacing Vulnerable Communities, If Not Done Right'

²⁰ Edward, 2005; Vinson 2007

Rural communities are more likely to be disadvantaged in comparison with urban communities. An index developed by researchers at the University of Michigan's Poverty Solutions initiative and Princeton University's Center for Research on Child Wellbeing, reveals that in America, amongst the 100 most disadvantaged communities 80 of them are rural communities.²¹ It can be observed that rural areas suffer from a lack of infrastructure and necessary investments in comparison to the more developed areas, which invariably makes poverty four times more prevalent than in developed societies.²² This is coupled with the high presence of racial limitations, environmental exploitation, and severe health challenges.

According to UNICEF, poverty is more than just the lack of money. Children make up less than one-third of the global population, however, almost half of that number are among the world's refugees as of 2020, living in low or no-income communities, with little access to certain amenities.²³ Statistics in Africa reveal that a major part of the continent lives in a state of abject poverty. According to SOS Children Villages, more than 30% of the children in Africa suffer from a disorder called stunting as a result of malnutrition, which affects both the physical and mental development of the children in those communities. In Sub-Saharan Africa, 59 million kids between the age of 5-17 work instead of going to school and this eliminates the opportunity for them to play as children would. Because of this, every fifth child misses out on the formidable importance of living fully their childhood because of child labour and this, in turn, stresses their mental guard and forces them to be exposed at an early age to things and circumstances that are not meant for them.²⁴

Consequently, child labour in many of these communities occurs as a means to help families fight poverty. The people in these communities suffer a great deal and this includes the

²¹Luke Shaefer, 'New Index Ranks- America's 100 Most Disadvantaged Communities', (30 January 2020).

²² Ibid.

²³ UNICEF, 'Child Displacement', (September 2021)

²⁴ SOS Children Villages, 'Poverty in Africa ->

children as they are at an early stage in their lives exposed to thriving in such deplorable conditions and more are born in these communities.²⁵

Asides from poverty, some communities have been put in disadvantaged places after certain climate-related disasters like earthquakes, tsunamis, and wildfires. The impact is usually felt more in communities that were low-income earners before such occurrences. One of the major issues that face these communities in rebuilding and restoration is the difficulty that comes with accessing relief items and funds for one reason or the other and the most vulnerable persons in times like this are the elderly and children. The effect of life after a climate disaster gives shock to children combined with the downturn of certain services like health care, water, sanitation, etc.

According to UNICEF, approximately 1 billion children are at an extremely high risk of the impact of the climate crisis.²⁶ Countries that greatly suffer from this include Afghanistan, Côte d'Ivoire, Cambodia, Democratic Republic of Congo, South Sudan amongst others and UNICEF has been at the forefront of assisting these communities especially the children to cushion the effect it has on their physical and mental development.²⁷

The mere experience of the real problems that have rendered a community disadvantaged is in itself traumatic to these children. The effect of these experiences and living conditions on these children, sometimes does not manifest until they have reached a certain age of maturity. Hence, this guide examines this topic in the light of current legislation and actions targeted at protecting this societal mustard which multiplies itself in unimaginable ways.

²⁵ Meghalaya, 'Study finds deplorable condition of children in city'

²⁶ UNICEF, 'The impacts of climate change ' (19 August 2021)

²⁷ Francis Vergunst & Helen Louis Berry, 'Climate Change is harming Children's Mental Health and this is just a Start'

International and Regional Framework

"In every part of the world, be it rich or poor countries, mental health conditions - and the lack of caring responses - cause significant suffering for children and young people..."²⁸ The above excerpt embodies the fact that the effects of untreated mental health conditions are adverse and not only present in a few countries. Rather, the "menace" has found itself a place in almost every country across the globe, particularly in disadvantaged communities. As a result, various frameworks have been put in place to help reduce the effects to their barest minimum.

The foundation for all international frameworks is the *Convention on the Rights of the Child* which stands as the backing source for the international protection of children in all forms of societal structure. Its *Article 24* comprehensively and explicitly makes it the responsibility of the state to ensure that the rights of a child to the enjoyment of the highest attainable standard of health including the facilities necessary for the treatment of illness and rehabilitation of health is enforced. In addition to the *Convention on the Rights of the Child*, there are certain optional protocols; the optional protocol on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts. There is also the optional protocol on a communications procedure.

Noteworthy, the *General Comment No. 25 (2021)* adumbrates children's rights in relation to the digital environment. In light of the general comment, the Committee urges States parties to implement the Convention in relation to a digital environment. Furthermore, it enjoins States parties to provide guidance on relevant legislative, policy and other measures in order to ensure full compliance with their obligations under the Convention and the Optional Protocols to the Convention. Ultimately, the obligation should be discharged in the light of

²⁸ UNICEF, 'The State of the World's Children 2021- On My Mind: Promoting, Protecting and Caring for Children Mental Health'

the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children's rights in the digital environment.²⁹

The *Committee on the Rights of the Child General comment No. 17 (2013)* expounds on *Article 31 of the CRC* on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts. It stresses the importance of play and recreation in the life of every child. It cited *Article 7 of the 1959 Declaration of the Rights of the Child* that provides that “the child shall have full opportunity for play and recreation; society and the public authorities shall endeavour to promote the enjoyment of this right.” In reinforcing this right, *Article 31 of the CRC* states that “State parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.”

The *Committee on the Rights of the Child General Comment No. 15 (2013)* advocates for the right of the child to the enjoyment of the highest attainable standard of health under *Article 24 of the Convention of the Right of the Child*. According to the Committee, the right of children to health in *Article 24* is an inclusive right, extending not only to timely and appropriate prevention, health promotion, curative, rehabilitative and palliative services but also to a right to grow and develop their full potential and live in conditions that enable them to attain the highest standard of health through the implementation of programmes that address the underlying determinants of health.³⁰

²⁹ General Comment No. 25 (2021).

³⁰ General Comment No. 15 (2013).

The *Constitution of the World Health Organisation* states its main aim as "the attainment by all the people of the highest possible level of health." The organisation has launched various physical and mental health programs and as of 16th May 2022, it launched the "mental health at work" program. The organisation is very much concerned about the mental health of the people and this is evident in the speech of the director-general at the launch of the program"... there is no health without mental health."

Article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) posits that the widest possible protection and assistance should be provided to the family as it is responsible for the care and education of dependent children. Recognising health implications that can arise from the difficulty in the childbirth process, the article further provides that special protection should be given to mothers during a reasonable period before and after childbirth. In the same vein, the article states that special measures of protection and assistance should be taken on behalf of children and young persons without discrimination for reasons of parentage or other conditions. States parties should render illegal any employment in work that is harmful to a child's right morals or health or dangerous to life or likely to hamper their normal development. Further, state parties are expected to set age limits. Any employment of child labour below the set age limit should be prohibited and punishable by law.

The World Psychiatric Association (WPA) is another international framework of notable importance. The association is a global one representing about 145 psychiatric societies in 121 countries thereby enhancing collaborative work in the Psychiatric field. The WPA has partnered with Lancet to establish a clinical commission on depression- one of the leading causes of mental health issues in both young adults and children.³¹

³¹ Reducing the global burden of depression.

The *African Charter on the Rights and Welfare of the Child (ACRWC)* , a regional human treaty which was adopted in 1990 and came into being in 1999 is another framework relevant to this topic. The charter sets out the rights and defines the principles for the status of children. Its *Article 14(1)* explicitly captures the need and right of children to the highest attainable level of mental health as it states that "every child has the right to enjoy the best attainable state of physical, mental and spiritual health."³²

Role of the International system

All over the world and in many places, people are disadvantaged members of their society, and struggle with hardship, and lack or complete absence of specific fundamental necessities for adequate physical, mental and social development which hampers the wholeness of individuals. It has been identified that the children who come from disadvantaged communities have to deal with long-term disturbances to their mental health. UNICEF and other international bodies have decided to cater to these communities and especially to the children affected to ensure that these children attain optimal development.

International communities are encouraged to engage in sensitization and establishment of institutions that promote Child and Adolescents Mental Health (CAMH). UNICEF itself preaches that every child has the right to grow up in an environment where they can feel safe and secure, have basic access to basic services and clean air and water, can play, learn and grow where their voice is heard and matters.³³ This follows UNICEF's campaign toward building friendly cities after children have been uprooted from their cities for varying reasons. It believes that the protection of children in their new environment is largely dependent on

³² ACRWC: OAU Doc.CAB/LEG/24.9/49(1999) entered into force November 29,1999

³³ Child Friendly Cities Initiative UNICEF.

the local authority and so through its Children Uprooted Campaign³⁴ local authorities are encouraged to create child friendly spaces in order to achieve the Six Point Agenda for Action³⁵ that cover the most pressing needs of children. This agenda includes the protection of children on the move from violence, and exploitation; ending migration detention of children; keeping families together and giving children a legal status; providing refugees, migrants and children with learning opportunities and giving them access to health and other quality services; addressing the underlying causes that uproot children from their homes and promoting measures to combat xenophobia and discrimination.

Various bodies in recognising the silent disaster that is plaguing children have become more involved in the protection of the mental health of children and those in disadvantaged communities. Amnesty International has asserted that the mental health of people seeking safety has never been a priority for the international community.³⁶ The body calls for governments to remove barriers that would prevent and are preventing refugees including children from accessing mental health services and support. There is little data available as record reference to aid the availability of mental health services amongst other needs of migrants and their families³⁷ For communities that are disadvantaged for economic reasons (low-income communities), wealthy countries are encouraged to support these low-income areas through meaningful donations³⁸ and schemes to help mitigate the economical situation in those areas, which not only improves the area but serves as a potential economic increment. And in line with this, international and regional bodies, private bodies and NGOs in achieving a better society and wellbeing for children create policies, campaigns and movements that emanate and revolve around the content of *Article 24*. For instance the *African Charter for the Rights and Welfare of the Child*, Communities for Children- Australia,

³⁴ UNICEF, 'Children Uprooted- What Local Governments Can Do',

³⁵ Ibid.

³⁶ Charlotte Phillips, Head of Refugee and Migrants Rights Team, Amnesty International

³⁷ Amnesty International, 'Lack of Mental Health Services for refugees is a Global Scandal' (9 October 2020)

³⁸ United Nations, 'Need More Financial Aid, Influence in Multilateral Institutions to Overcome Economic Devastation from COVID-19, Speakers Tell General Assembly'

policies of the United Nations Educational Scientific and Cultural organisation (UNESCO) The Children Mental Health Network (NGO).

An Overview of the Mental Health of Children

In an age where there seems to be increased concern for the mental health of individuals, it is ironic that the topic of mental health concerns usually blur out the child demography. Children, even of tender ages, suffer mental issues and disorders. Mental health problems affect around one in six children and 75% percent of children with mental problems don't get the help they need.³⁹ Solid mental health in children means being able to reach emotional and developmental milestones. Learning healthy social skills and how to cope when such problems arise will help children cope in school, at home, or within any community.⁴⁰ A child's mental health is an important part of their being. Indicators include the quality of the emotional, mental and behavioural output of the child in terms of how they think, feel, handle issues and relate with people around and the community at large.⁴¹

Mental disorders refer to a negative change in the way a child learns, behaves or handles emotions, creates problems or acts in times of distress.⁴² There are several reasons that can lead to a disorder but certain traumatic events are more likely to put a child at the risk of having mental problems. These events include poverty, homelessness, experiencing discrimination, divorce or separation of parents, relocations, child labour, taking on adult duties or responsibilities at a young age, armed conflict, forced migration, climate disasters amongst other things. This is and can be manifested through depression, self-harm, general

³⁹ Mental Health Foundation United Kingdom, 'Children and Young People' (12 August 2021) .

⁴⁰ Centre for Disease Control and Prevention, 'What is Children's Mental Health',.

⁴¹ Ibid.

⁴² Centre for Disease Control and Prevention, 'Data and Statistics on Children's Mental Health', .

anxiety disorder, post-traumatic stress disorder, eating disorder, attention deficit/hyperactivity disorder (ADHD) and other behavioural disorders.

Mental health is highly shaped by the social, environmental and economic conditions.⁴³ Research shows that from the age of 4 to 7, children deprived or disadvantaged by reasons of socioeconomic inequalities suffer borderline or abnormal levels of difficulties.⁴⁴ For instance, refugees face pre-migration, migration and post-migration struggles which range from exposure to violence, armed conflict, poverty or persecution, lack of access to basic services, challenging and life threatening conditions, barriers to health care, uncertainty of living conditions or work permits, immigration detention amongst others and these occurrences are no respecter of age or class. These events increase the risk of developing a mental disorder and in some cases aggravate already existing social and mental health problems. A child's social environment is largely determined by where their parents live and where the child is sent for early education. It also determines the quality of social relationships a child can or will build. Hence, the behaviour a child picks up at a young age usually defines his/her character and life patterns as an adult.⁴⁵ This also explains why quite a number of adult mental health cases can be traced to having taken root from a childhood experience that went unnoticed and untreated till it manifested in the individual's life, affecting relationships with people and the mental productivity of the individual. Man, after all, is a product of his environment.⁴⁶

Half of the existing mental illnesses begin around the age 14,⁴⁷ it is critical that eyes are set heavily on the matters that relate to and surround the mental health of children and

⁴³ Office of Disease Prevention and Health Promotion, 'Mental Health, .

⁴⁴ Lee Knifton and Greig Inglis, 'Poverty and Mental Health Policy- Policy, Practice and Research Implication' (October 2020)

⁴⁵ Sawan Kumar, 'How Does Social Environment Impact a Child's Behaviour?' *The Times of India* (14 September 2020) .

⁴⁶ Karl Marx and Frederick Engels, 'An Introduction to Their Lives and Work'

⁴⁷ Kessler R. et al (2007) *Age of Onset of Mental Disorders: A Review of Recent Literature- Current Opinion in Psychiatry* Vol 20/4 pp 359-364

teenagers to minimise its effect on the development of education, employment and general wellbeing.⁴⁸

This is a clarion call to all stakeholders (i.e. parents, communities and international organisations) to ensure that children's mental health is put into consideration in foremost discourses that pertain to children. No doubt, children whose mental health challenges are not addressed early enough might develop unhealthy and destructive lifestyles into adulthood. To prevent this, children's mental health should be prioritised.⁴⁹

Dealing with the Development of Disadvantaged Communities

Invariably, the community is the first place of contact for human interrelationships and the response of a community in terms of qualitative output is crucial to the formation of a persons' ideals in life. In an open letter to the world's children, UNICEF sounded a note of caution that poverty,⁵⁰ inequality, discrimination⁵¹ and distance continue to deny millions of children their rights every year. As a result, 15,000 children under 5 still die every day, particularly from diseases that can either be prevented or treated.⁵² The organisation also expressed regret that there is an alarming rise in overweight children, girls suffering from anaemia and lack of quality education. Worse still, the perennial issue of child marriage continues to threaten children's health and futures.⁵³

More than ever before, there is a need to pay close attention to assisting disadvantaged communities in order to create a haven for children in particular. Basically, it starts with creating a protective environment. It has been suggested that the protective environment

⁴⁸ OECD, 'Children and Young People Mental Health in the Digital Age'

⁴⁹ Dr. Arun Raj Kunwar, 'Prioritising Mental Health of Children is our Collective Responsibility'

⁵⁰ Simon Pembleton et al, 'Child Rights and Child Poverty: Can the International Framework of Children's Rights Be Used to Improve Child Survival Rates?'

⁵¹ Save the Children, 'Gender Discrimination Causes Inequality'

⁵² UNICEF, 'Childhood Diseases'

⁵³ Henrietta H. Fore, 'An Open Letter to the World's children', .

should be built through connection. The interconnected layers begin from the family and classroom, to community and national level. Ultimately, this is aimed at ensuring that children are not only physically safer, but have the freedom to develop and thrive.⁵⁴

According to Educational Opportunity For All, children, students and adults from socio-economically disadvantaged backgrounds receive too little support to succeed in school and in learning opportunities later in life.⁵⁵ Gabriela Ramos, OECD Chief of Staff and G20 Sherpa who also oversees the OECD's work on education, observes that "education, particularly in early childhood, plays a vital role in combating rising social inequalities. Evidence shows that children at a disadvantage in the education system typically go on to receive smaller salaries and, most worryingly of all, to live shorter lives. To build more inclusive societies, every country needs to step up its education efforts to help the poorer fulfil their promise of self-realisation and have access to opportunities in life. We need to make disadvantaged children our priority!"⁵⁶

In a bid to develop disadvantaged communities, educational assistance would go a long way in alleviating their plight and also create a safe environment for children. The importance of educational aid lies in the fact that better educated people are more productive. Educated people are more innovative and they can devise new forms of production. Educated women tend to have fewer children whom they can take better care of and also feed well. They are more likely to encourage their children to go to school, to be more interested in what they are doing in school. They would be able to transmit some knowledge and practices. In turn, this will contribute to children's educational development. Statistics prove that those who have access to high quality education at higher levels have greater chances in securing a job and access to various social services.⁵⁷

⁵⁴ Children On The Edge, 'Creating Protective Environments For Children',

⁵⁵ OECD, 'More Efforts Needed to Help Children from Disadvantaged Families Succeed' (6 December 2017)

⁵⁶ Ibid.

⁵⁷ Françoise Caillods, 'Education strategies for disadvantaged groups:some basic issues', International Institute for Educational Planning, (UNESCO 1998)

Interventions from Government as well as Non-Governmental Organisations are also solicited in this respect. Many programmes have been embarked upon around the world geared towards the provisions of learning facilities to disadvantaged groups.⁵⁸ Such programmes vary in their objectives, size, teaching and learning strategies. They are often tailored in line with the characteristics and needs of the group of children, youth or adults in question. Different programmes are designed by the government and non-governmental organisations at the central and local level and they represent an incredible diversity of approaches and interventions. These programmes differ in their costs and effectiveness.⁵⁹ Apart from formal education, building on existing training capacities in the community can also deal with development issues in disadvantaged communities.⁶⁰ Partnership agreements can be entered into with local artisans and enterprises for vocational training. For instance, Malian CED and Burkina Faso CEBNF entered into such partnership deal. Under the partnership deal, it provides for an accelerated three-year basic education programme. During the fourth year of the training, trainees receive short training in the workshop of local artisans, learning carpentry, masonry, tailoring or other kinds of trade. The members of the community choose the trade or product that will be developed.⁶¹

Mental health is a vital part of children's overall health and well-being. It plays a role in how children handle stress, relate to others, and make healthy choices.⁶² In 2019, it was estimated that one in seven adolescents experience mental disorders. In aggregate, this sums up to an estimated figure of 166 million adolescents (89 million boys and 77 million girls) boys and girls globally.⁶³

⁵⁸ Congress of Labour and Regional Authorities, 'The role of local and regional government in protecting internally displaced persons'

⁵⁹ Ibid.

⁶⁰ UNESCO, 'Education and training strategies for disadvantaged communities in Thailand'

⁶¹ Ibid.

⁶² Centers for Disease Control and Prevention, 'Children's Mental Health: Data & Statistics.'

⁶³ UNICEF, 'Mental Health'.

Poverty is a known cause of children's mental health issues through family and community-level factors. Poverty-ridden families tend to experience a unique set of stressors such as food insecurity or housing problems. These stressors can increase parental risk for mental health problems and substance abuse. Consequently, this can diminish the parent's capacity to engage in positive parental practices such as warmth, responsiveness, and supervision etc.⁶⁴

In the long run, it can lead to child abuse and neglect. Impoverished communities are often characterised by inadequate schools, poor housing, limited resources, high crime rate, all of which are by-products of adverse mental health outcomes.⁶⁵

A panacea to mental health challenges in disadvantaged communities requires a more integrated approach to population health. This would tackle the determinants of poor physical and mental health in a coordinated manner through 'place-based' approaches to combine resources from different sectors. Strategies that might improve mental and physical health include promotion of outdoor physical activity; prevention of hazardous alcohol use; and interventions that enhance social interaction, facilitate social cohesion and combat isolation.⁶⁶

Children's health takes priority, with a focus on early intervention so as to prevent the development of more significant problems later in life. Accordingly, there is a need to invest in evidence-based parenting interventions, nurse-family partnerships, school-based programmes that would promote social and emotional learning. Certain mental health initiatives would be initiated for population groups that are at the greatest health risk. Local authorities should also prioritise health care for people with severe mental illnesses. Specifically, it can be through services tailored to support healthy living in such a community.⁶⁷

⁶⁴ Chris Naylor, 'Bringing together physical and mental health: A new frontier for integrated care.'

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

In conclusion, no meaningful development can occur in a society that lacks education. Therefore, education is proposed as the most potent tool to tackle development challenges in disadvantaged communities. This includes both formal education and vocational training. In order to develop disadvantaged communities, steps must be taken to tackle physical and mental health issues.

Imbalance of Mental Health in Children; A Clog in the Wheel of National Development

The core and primary component of a nation building is the people there who have created communities for themselves that have become interconnected relationships. For these communities to get to this point, they have at one time or the other engaged in schemes and decision-making processes that aided their development. Hence, it is safe to say that community development is achieved when members come together to take a collective action to achieve the solution to a problem. Taking it a step further, National Development is an all-round development of a nation that includes the development of the individuals in it and the nation. It's a process of reconstruction and development⁶⁸ that includes the social, cultural, political, scientific, material and economic sectors.

As much as the development of a nation is quantitative, it can only be balanced when it is qualitative as well.⁶⁹ The measure of qualitative development is highly dependent on the quality of the persons championing the cause for development at the centre of a nation and at its sub units.

⁶⁸ Bhawan Bawa, 'National Development: Meaning and Problems.'

⁶⁹ NAN, 'Qualitative higher education necessary for national development- TETFund chief' (9 December 2020)

According to Prof Alfred Adegoke, University of Ilorin, 'no nation can attain development if the mental development of its people is neglected.'⁷⁰ It is sad that as important as it is, mental health, particularly that of children, is not adequately represented or catered for. A sound mental health will enable the children think creatively, discover their potentials and work towards developing them, cope with the various stresses of life and above all make meaningful contributions towards the growth and development of their communities.⁷¹ The current reality however is that communities lack individuals that can offer quality contributions to a society beyond finance because many of these persons lack the proper mental foundation to effectively run a community or add value to its development.

It has been identified that a significant determinant of the mental output of individuals is the experience that they had growing up and unfortunately, many individuals have had Adverse Childhood Experiences(ACEs) growing up. ACEs are highly stressful and potentially traumatic events or situations that occur during childhood and or adolescence as a single event or as a prolonged threat to a young person's security, safety, trust or bodily integrity.⁷² These events range from sexual, emotional and physical abuses, internal/family conflicts, trafficking, relocations, armed conflicts, climatic disasters and its effects on families amongst others. A survey in the United Kingdom shows that 47% of people have at one point in their lives experienced ACEs.⁷³ These events have a long term impact on people and manifest in mental deficiencies in the future and also in the physical health of people who have these experiences.

Children are the greatest assets any nation can ever have as they grow to be the individuals who drive backwards or forward the vehicles of a nation.⁷⁴ They grow to become active

⁷⁰ Kelechukwu Iruoma, 'Mental health is panacea to nation's development — Prof Adegoke' (8 December 2016)

⁷¹ WHO, 'Mental health: strengthening our response' (17 June 2022)

⁷² Manchester University NHS Foundation Trust, 'Adverse Childhood Experiences(ACEs) and Attachment.'

⁷³ Mark A Bellis, Karen Hughes et al, 'National Household Survey on Adverse Childhood Experiences and their Relationship with Resilience to Health -Harming Behaviours in England.'

⁷⁴ Dr. Dharmakanta Kumbhakar, 'Children: The Supreme Assets of A Nation' (22 May 2019)

members of the working population contributing their quota towards the growth of their countries. However, when there are rampant mental health conditions in children, there is a reduction in the quality of the kind of adults they go on to become. This stands as a hindrance or impediment in human capital accumulation and in the future labour markets. For instance, depression, one of the most common mental health conditions, has been said to lead to productivity loss in the workplace. This will by no means reduce the average productivity rate. According to a group of researchers, poor mental health may have the same if not more adverse effects as physical health on businesses. A single poor mental health day in a month was estimated to be a 1.84% drop in the income per capita, resulting in a reduction in the income of every year.⁷⁵

Most of the adults who are mentally challenged have been faced with this mental issue right from their childhood days. If the children and young adults in a country are mentally balanced, the nation is assured that its leaders of tomorrow are sound and are up to the task of contributing qualitatively to national development in their own sphere.⁷⁶ The direct or indirect effect of having individuals, especially young minds that are well rounded and sound is something that would be felt in all quarters of national development.

It is not out of place to say that the youths are the driving force of sustainable socio-economic development⁷⁷ and their involvement in the development plans of a country is paramount to making crucial investments in ensuring their well-being, creating environments that are accessible and helps them maximise their potentials, living healthily and paying adequate and speedy attention when issues arise.⁷⁸ Nations of the world are encouraged to create

⁷⁵ Poor Mental Health Days May Cost The Economy Billions of Dollars

⁷⁶ Kings Ndubuisi, 'Who will save the leaders of tomorrow?' (12 September 2021)

⁷⁷ ID4D, 'Youth, a forgotten driving force of sustainable development?' (1 June 2017)

⁷⁸ Sena Kimm Gnanon, 'Does Poverty deter Foreign Direct Investment flows to Developing Countries?'

systems to help in the mental development of their citizens especially children and young adults by not only focusing on treatment processes but also by creating strategies that focus on promoting mental wellness and preventing mental illness.

Effects of Child Abuse on a Child's Mental Health

The psychological effects of abuse on a child cannot be overemphasised and our attention needs to be drawn to it as the violence a child faces at different places and times eventually does affect their mental health. Abuse is not only limited to that which is inflicted physically rather it is any form of maltreatment by an adult, which is violent or threatening. Child abuse ranges from physical, sexual, to emotional or psychological abuse. According to WHO (2020), child abuse refers to any intentional harmful actions carried out by either an adult or a child on a child below the age of 18 years.⁷⁹ This definition covers all types and forms of physical and emotional ill-treatment that can cause actual or potential harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Child abuse may be isolated or continue over a long period of time. Consequently, children grow and develop at the greatest risk of different forms of abuse.⁸⁰

Significantly, child abuse has several aspects including physical, emotional, sexual, and psychological abuse.⁸¹ Typically, signs of child abuse may include any of the following: unexplained bruises, overly aggressive behaviour, lack of necessities, and gradual change in behavioral and eating habits. It is quite unfortunate that child abuse keeps occurring throughout the world. In the United States, for instance, there was 618, 399 reported cases of child abuse in 2020.⁸²

The physical components of child abuse include intentionally burning or scalding, suffocating, drowning, poisoning, shaking, throwing, hitting, biting, non-consensual tickling,

⁷⁹ Vanessa Cezarita, Child Abuse.

⁸⁰ Ibid.

⁸¹ Mayo Clinics, 'Child Abuse'

⁸² Statista, Child Abuse in the US- Statistics & Facts.

excessive pinching, slapping, forcing the child into a stressed position, withholding sleep, food or medication or any other physical harm. In some countries, corporal punishment is regarded as physical abuse.⁸³

Numerous research studies have shown that children who are victims of physical abuse suffer a considerable number of psychological or mental problems. These mental problems include but are not limited to inability to concentrate, excessive hostility towards friends, family members and others, apathy and sleep issues. Also, they are more likely to have low self-esteem, excessive fear and anxiety.⁸⁴

Emotional abuse refers to any behaviour that tends to inflict damage on a child's sense of self-worth thereby negatively impacting their emotional development. In addition to denying the child love and support, the person who emotionally abuses the child may also reject, criticize, threaten, demean or berate the child. Such a person may also engage in name-calling, humiliate or insult the child.⁸⁵

The effects of emotional abuse on the mental health of a child are many. First, a child who is emotionally abused may experience poor mental development. Second, it may lead to difficulty in keeping strong relationships. Third, it can lead to problems in school and at work. Furthermore, children who are emotionally abused and who do not seek help can become abusers themselves as adults.⁸⁶

According to UNICEF, millions of girls and boys around the world experience sexual abuse and exploitation every year. At least 120 million girls under the age of 20 (about 1 in 10) have been forced to engage in sex or perform other sexual acts. Roughly 90 per cent of adolescent

⁸³ Yvette Brazier, Recognising Child Abuse.

⁸⁴ Samatha Gluck, Effects of Child Physical Abuse.

⁸⁵ Amy Morin, What is Emotional Child Abuse?.

⁸⁶ Timothy J. Legg, Child Emotional and Psychological Abuse.

girls who reported incidences of forced sex identified a boy friend or a husband as the first perpetrator. Sadly enough, many victims of sexual abuse, including millions of boys, never tell anyone.⁸⁷

Sexual abuse has a detrimental effect on a person's mental health throughout their lifetime. 20-40% of people who have psychiatric disorders have a history of childhood sexual trauma.⁸⁸ The consequences of sexual abuse on the mental health of a child include anxiety, depression, post-traumatic stress disorder, panic disorder, substance abuse, schizophrenia, dissociative identity disorder, antisocial personality disorder, sleep disorder, self harm and suicidal behaviour.⁸⁹

WHO (2020) suggests preventive measures for child abuse which requires a multisectoral approach.⁹⁰ The multisectoral approach involves parent and caregiver support.⁹¹ This involves increasing enrolment of children in quality education that would allow them to acquire knowledge, skills and experiences. This would enable them to build resilience and reduce the risk factors for violence. Also, there should be programmes to prevent sexual abuse that build awareness and teach children and adolescents the skills to help them understand consent, avoid and prevent sexual abuse and exploitation and to seek help and support when necessary.⁹²

Likewise, it is necessary to organise programmes that would transform restrictive and harmful gender and social norms around child-rearing, child discipline and gender equality and promote the nurturing role of fathers.⁹³ Also the implementation and enforcement of all relevant laws, conventions, treaties, declarations relating to the protecting of children from

⁸⁷ UNICEF, Sexual Violence Against Children.

⁸⁸ Amen Clinic, 'The Lasting Mental Health Impacts of Childhood Sexual Trauma' (13 April 2021)

⁸⁹ Ibid

⁹⁰ WHO, Child Maltreatment.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

child abuse and violence is important⁹⁴ Response and support services are too. Where cases of child abuse are recognised early coupled with ongoing care of child victims and families, this would help reduce recurrence of maltreatment and lessen its consequences.⁹⁵

Conclusively, child abuse ranges from physical, sexual to psychological abuse. As shown above, there is a wide array of negative impacts that child abuse can have on a child's mental health. If not addressed, child abuse can have lasting and adverse impact on the child victim.

The Role of Collaborations in Addressing the Protection of the Mental Health of the Child

As earlier established, mental health issues are not only peculiar to a country, it can be found across the globe. There is a need therefore, for countries regardless of cultural, economical, social, religious or political differences to come together, work productively and cooperatively in order to proffer more solutions, provide rapid responses, protective and preventive measures to tackle this silent and slow killer that is troubling society.

The basic step to be taken is by bridging the Gap between countries tagged "disadvantaged" and those "advantaged" as much as possible. This is because if we are to address and combat mental health issues in children, we have to take cognisance of the effect the standard of living has on them because what makes a country disadvantaged in comparison to other countries is the poor living conditions present in such countries.⁹⁶ A disadvantaged community has a yearly median household income that is less than 80% of the statewide annual median household income (AMI).⁹⁷ Powerful countries of the world can reach out to support the less developed ones or those who have been put in a disadvantaged position due to a natural disaster or either through one social unrest or the other, more would be achieved

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Mental Health Foundation, 'Poverty Statistics'

⁹⁷ Law Insider, 'Disadvantaged community definition'

and the economic gap will not be as wide.⁹⁸ Some countries of the world have already begun to take this noble initiative by sending out relief materials to the people of Ukraine⁹⁹ and other war torn countries. Countries yet to do the same are beseeched to get rid of any form of prejudice and stretch out their help to these countries. Also, China, one of the richest countries, has constantly been of help to Nigeria, one of the most economically disadvantaged countries in Africa. As at the 31st of March, 2020, China has lent the country over USD 3.121 billion¹⁰⁰ which has been used to establish some basic infrastructural facilities. The country has also lent over 150 countries of the world the total sum of 1.5 billion dollars¹⁰¹ which has also been used to establish various projects across the World. Its unclear whether the mental health sector actively benefits from this all around the world, but such grants increase the chances of more governmental action to that regard.

There is also a need for countries to cooperatively work together to foster collaboration in addressing and protecting the child's mental health. Countries, agencies and systems should reach a formalised international or inter-regional agreement in order to work out a system of care that would be applicable across the globe. It is noteworthy that there is a huge connection between "trauma" and the need for a cross- system collaboration because a large proportion of children involved with any system of care has experienced some level of trauma.¹⁰² For instance, the recent social unrest between Russia and Ukraine has left a lot of children with deeply rooted traumatic experiences and depression as some of these children get to witness the death of their loved ones, having to leave places and people they had grown attached to.¹⁰³ The constant exposure to this violence will have an adverse effect on their brain development and the legacy of this war will be a traumatized

⁹⁸ Nancy Birdsall, Dani Rodrik, and Arvind Subramanian, 'How to help poor countries'

⁹⁹ Thomas Duthois & AFP, 'Ukraine war: Which countries are sending weapons and aid to forces fighting the Russian invasion?'

¹⁰⁰ Facts about China's loan to Nigeria

¹⁰¹ How much does the world owe China.

¹⁰² NCTSN cross system collaboration Macon Stewart.

¹⁰³ UNICEF.

generation.¹⁰⁴ Similarly, the Syrian children have become very used to experiencing war almost on a regular basis and the recurrent threat of violence and hunger has had extreme effects on their mental health. The war has birthed one of the largest educational crisis in history.¹⁰⁵ It would not be much of a surprise therefore, to see these children who have been exposed to constant malnourishment suffer from depression or anxiety.

The borderline here is for countries to collaborate and use peaceful negotiations to solve political issues or disputes in order to reduce and avoid exposing children to such violent situations and countries should also make use of cross systems in addressing mental issues. Furthermore, countries, regions and communities may collaborate to foster cultural exchange and volunteer programs whereby children travel to or visit different countries to learn about the countries' cultures and also exhibit theirs. The learning experiences derived from these programs will help in the mental balance of the participants, make them more flexible, much able to adapt to their environment and also be positive contributors to the socio-cultural development of other children. Volunteer and cultural exchange programs on the part of mental health experts will enable the understanding that culture influences what is tagged a "problem", how the problem is understood and which solutions do the people living in the community see as acceptable.¹⁰⁶ The diversities in cultures have a variance in implications for mental health issues and practices ranging from the people's view of health and sicknesses to patterns of seeking solutions; the nature of racism and discrimination. The volunteers will also be able to inculcate and teach the children and people what they know and also enlighten them on some of their misconceptions about mental health. This they will do as means of knowledge transfer. The beneficiaries of these programs would be more

¹⁰⁴ Serhii lukashovi, director of SOS villages in Ukraine

¹⁰⁵ Aljazeera

¹⁰⁶ Hernandez et Al p.1047

responsible and mentally active when trying to put into practice what they have learnt from the volunteers and the exchange programs.

Conclusion

Human beings are different and due to different circumstances beyond their control become disadvantaged one way or the other, these differences should not be seen as grounds for discrimination but seen as opportunities to improve quality of life. There is a need and duty upon each government and relevant organisation to ensure that the gap between those who are disadvantaged and those who are not isn't too wide by ensuring that people in these communities are considered when certain legislations and projects are to be implemented. UNICEF in a bid to close the gap has taken concerted efforts to work hand in hand with the governments of member states.

Further Research

What measures can be taken to reach children in disadvantaged communities more effectively? How can the topic of child mental health be brought to the fore, within and outside the context of disadvantaged communities? In what ways can covid-19 be said to have impacted the mental health of children in disadvantaged communities? How can culturally sensitive approaches made available in children and young adults' mental health services be increased? How can the mental health awareness-based inequalities between adolescents in disadvantaged communities and their counterparts in standard communities be reduced to their barest minimum, if not completely eradicated? How do we move the conversation on mental health from being a public relations stunt to trying to garner openings of release for the victim?

Scope and Resources for Research on Background Guide

The research made on this topic will be based on existing legislation, laws, international treaties and conventions, and the contributions of organisations aside from the government that are geared at protecting children and the respect of their rights, especially with regard to their mental development with a focus on children in disadvantaged communities. Resources for this research will include UN Documents, journals, Information retrieved from UN websites and related websites, and other relevant or necessary documents from reliable sources.

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The Journal of Psychology reports that 20-40% of people who have psychiatric disorders have a history of childhood sexual trauma. Amongst the consequences of sexual abuse on the mental health of a child are anxiety, depression, post-traumatic stress, panic disorder, substance abuse, schizophrenia, dissociative identity disorder, antisocial personality disorder, sleep disorder, self-harm and suicidal behaviour.

Amnesty International, 'Lack of Mental Health Services for refugees is a Global Scandal' (9 October 2020) available at <https://www.amnesty.org/en/latest/news/2020/10/lack-of-mental-health-services-refugees-global-scandal-2/> accessed on 30 May 2022.

Barriers preventing refugees from getting access to mental health services should be removed.

Amy Morin, What is Emotional Child Abuse?, (1 March 2022) available at <https://www.verywellfamily.com/what-is-emotional-child-abuse-4157502> accessed at 27 May 2022.

As can be garnered from this source, emotional abuse is any behaviour that tends to damage a child's self-worth. It can be caused by rejecting, criticising, threatening or demeaning a child.

Bhawan Bawa, 'National Development: Meaning and Problems', available at <https://bmcmmedicine.biomedcentral.com/articles/10.1186/1741-7015-12-72> accessed on 27 May 2022.

This source defines national development as an all-round development of a nation that includes the development of the individuals in it and the nation.

Centre for Disease Control and Prevention, 'Data and Statistics on Children's Mental Health' available at [https://www.cdc.gov/childrensmentalhealth/data.html#:~:text=Parents%20reported%20in%202016%2D2019,children%20ages%203%2D5%20years&text=Curiosity%20\(93.0%25\)%2C%20persistence%20](https://www.cdc.gov/childrensmentalhealth/data.html#:~:text=Parents%20reported%20in%202016%2D2019,children%20ages%203%2D5%20years&text=Curiosity%20(93.0%25)%2C%20persistence%20) accessed on 30 May 2022.

Mental disorders negatively affect the way a child learns, behaves or handles emotions.

Centre for Disease Control and Prevention, 'What is Children's Mental Health' available at <https://www.cdc.gov/childrensmentalhealth/basics.html> accessed on 30 May 2022.

When a child has a solid mental health, such a child would be able to cope in school, at home and within the community. A child's mental health is an important part of the wholeness of well-being. Its indicators include the quality of the emotional,

mental and behavioural output of the child in terms of how they think, feel, handle issues and relate with people around and the community at large.

Charlotte Phillips, Head of Refugee and Migrants Rights Team, Amnesty International available at <https://www.world-today-news.com/the-absence-of-mental-health-services-for-refugees-is-a-global-scandal/> accessed on 30 May 2022.

According to Amnesty International, the international communities have never treated the issue of mental health of people seeking safety with priority. This should not be so.

Children On The Edge, 'Creating Protective Environments For Children' available at <https://www.childrenontheedge.org/creating-protective-environmentsl.html> accessed on 30 May 2022.

It is necessary to create a protective environment for children in disadvantaged communities.

Françoise Caillods, 'Education strategies for disadvantaged groups:some basic issues', International Institute for Educational Planning, (UNESCO 1998) available at <https://unesdoc.unesco.org/ark:/48223/pf0000114204/PDF/114204eng.pdf.multi> accessed on 30 May 2022.

This document discusses the importance of education in improving the plight of people in disadvantaged communities. Educated women are more likely to regulate childbearing by only giving birth to a number of children they can feed. Also, those who have access to education have better chances to secure better job opportunities.

Henrietta H. Fore, 'An Open Letter to the World's children' available at <https://www.unicef.org/child-rights-convention/open-letter-to-worlds-children> accessed on 30 May 2022.

Poverty, inequality, discrimination and distance continue to deny millions of children their rights every year. As a result, 15,000 children under 5 still die every day, particularly from diseases that can either be prevented or treated.

Jared Wadley, 'New Index Ranks- America's 100 Most Disadvantaged Communities', (30 January 2020). Available at <https://news.umich.edu/new-index-ranks-americas-100-most-disadvantaged-communities/> accessed on 30 May 2022.

Rural areas are often associated with poverty because of lack of infrastructures. Statistics reveal that this is not so in advantaged communities where there are good infrastructures.

Kerris Cooper and Kitty Stewart, 'Does Money Affect Children's Outcomes- A Systematic Review' (Joseph Rowntree Foundation, 2013) available at <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/money-children-outcomes-full.pdf> accessed on 30 May 2022.

From the economic point of view, poverty and deprivation are determinants of a child's social and behavioural development.

Kessler R. et al (2007) *Age of Onset of Mental Disorders: A Review of Recent Literature- Current Opinion in Psychiatry* Vol 20/4 pp 359-364 available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1925038/> accessed on 30 May 2022.

Half of mental health illness usually begins at age 14.

Lee Knifton and Greig Inglis, 'Poverty and Mental Health Policy- Policy, Practice and Research Implication' (October 2020) available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7525587/> accessed on 30 May 2022.

From the age of 4 to 7, the children in deprived or disadvantaged areas for reasons of socioeconomic inequalities suffer borderline or abnormal levels of difficulties.

Mental Health Foundation United Kingdom, 'Children and Young People' (12 August 2021) available at <https://www.mentalhealth.org.uk/a-to-z/c/children-and-young-people> accessed on 30 May 2022.

Mental health problems affect around one in six children and 75% percent of children with mental problems are not getting the help they need.

OECD, 'Children and Young People Mental Health in the Digital Age' available at <https://www.oecd.org/els/health-systems/Children-and-Young-People-Mental-Health-in-the-Digital-Age.pdf> accessed on 30 May 2022.

It is important to protect children's mental health so as to minimise its effect on the development of education, employment and general wellbeing.

OECD, 'More Efforts Needed to Help Children from Disadvantaged Families Succeed' (6 December 2017) available at <https://www.oecd.org/education/more-efforts-needed-to-help-children-from-disadvantaged-families-succeed.htm> accessed on 30 May 2022.

Gabriela Ramos, OECD Chief of Staff and G20 Sherpa and who also oversees the OECD's work on education, launching the report in Paris observes that "Education,

particularly in early childhood, plays a vital role in combating rising social inequalities. Our evidence shows that children at a disadvantage in the education system typically go on to receive smaller salaries and, most worryingly of all, to live shorter lives. To build more inclusive societies, every country needs to step up its education efforts to help the poorer fulfil their promise of self-realisation and have access to opportunities in life. We need to make disadvantaged children our priority!

Office of Disease Prevention and Health Promotion, 'Mental Health' available at <<https://www.healthypeople.gov/2020/topics-objectives/topic/mental-health-and-mental-disorders>> accessed on 30 May 2022.

The mental health of persons-including children- is highly shaped by the social, environmental and economic conditions in which they learn, grow, work and age.

Poor Mental Health Days May Cost The Economy Billions of Dollars available at <<https://www.sciencedaily.com/releases/2018/07/180730120359.htm#:~:text=Summary%3A,less%20total%20income%20each%20year>> accessed on 30 May 2022.

When children are mentally affected, they may not achieve their full potentials as adults. In turn, this can lead to depreciation in human capital accumulation in the future labour markets.

Rhys Price-Robertson, 'What is Community Disadvantage? Understanding the Issues, Overcoming the Problem', Australian Institute of Family Studies (May 2011). available at <<https://aifs.gov.au/cfca/publications/what-community-disadvantage-understanding-issues-overcoming-the-problem>> accessed on 30 May 2022.

Disadvantaged communities are communities that are affected by certain factors which undermine the potentials of the people and hamper their abilities to achieve positive results.

Samatha Gluck, Effects of Child Physical Abuse, (30 December 2021) available at <<https://www.healthyplace.com/abuse/child-physical-abuse/effects-of-child-physical-abuse>> accessed on 27 May 2022.

This source reveals that the mental impact of child abuse may include inability to concentrate, excessive hostility towards friends, family members and others, apathy and sleeplessness.

Sawan Kumar, 'How Does Social Environment Impact a Child's Behaviour?' *The Times of India* (14 September 2020) available at <<https://timesofindia.indiatimes.com/readersblog/sawan/how-does-social-environment-impacts-childs-behavior-26029/>> accessed on 30 May 2022.

The behaviour a child picks up at a young age usually defines his/her character and life patterns as an adult.

Statista, Child Abuse in the US- Statistics & Facts, (2 February 2022) available at <https://www.statista.com/topics/5910/child-abuse-in-the-united-states/#topicHeader_wrapper> accessed on 27 May 2022.

Signs of child abuse may include unexplained bruises, overly aggressive behaviour, lack of necessities, and gradual change in behavioural and eating habits.

SOS Children Villages, 'Poverty in Africa' available at <https://www.sos-usa.org/about-us/where-we-work/africa/poverty-in-africa> accessed on 30 May 2022.

Child labour deprives children of their right to play and enjoy their childhood. It also increases the phenomenon of out of school children.

Timothy J. Legg, Child Emotional and Psychological Abuse, (29 May 2018) available at <https://www.healthline.com/health/parenting/effects-of-yelling-at-kids> accessed at 27 May 2022.

It can be inferred from this source that a child victim of emotional abuse may experience poor mental development and difficulty in keeping strong relationships. Such a child may end up as abusers when he or she becomes an adult.

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In 2020, half of the number of children who are refugees live in low or no income communities. These children also lack access to basic amenities.

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UNICEF, Sexual Violence Against Children, available at <https://www.unicef.org/protection/sexual-violence-against-children> accessed at 27 May 2022.

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Vanessa Cezarita, Child Abuse, (25 June 2021) available at <https://www.humanium.org/en/abuse/> accessed on 27 May 2022.

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WHO, Child Maltreatment, (8 June 2020) available at <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment> accessed 27 May 2022.

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Yvette Brazier, Recognising Child Abuse, (25 June 2018) available at <https://www.medicalnewstoday.com/articles/241532#physical-abuse> accessed on 27 May 2022.

This source shows that the physical forms of child abuse include intentional burning or scalding, suffocating, drowning, poisoning, shaking, throwing, hitting, biting, non-consensual tickling, excessive pinching, slapping, forcing the child into a stressed position, withholding sleep, food or medication or any other physical harm. That is, the list is not exhaustive.

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Sexual Abuse And Child Pornography In The Digital Age

“We believe that just as technology plays a role in facilitating and enabling child sexual exploitation, it can also play a major role in combatting these crimes against children.”

Ms Antonia Marie De Meo, Director of United Nations Interregional Crime and Justice Research Institute.

Introduction

With the world ever-evolving, technology has become commonplace in our daily lives and our interaction with it is unavoidable. Despite its numerous benefits, the digital age has made children an easily accessible target to harmful vices, with the introduction of the internet. The exploitation of children through pornography and sexual abuse has continuously increased. Children are being exposed to the internet at increasingly younger ages. This problem persists irrespective of the international efforts of the United Nations toward the prevention of sexual abuse and child pornography.

There are two major parties to this offence: the consumer and the producer. The consumers are called paedophiles. Kenneth v. Lanning, after conducting extensive research, defined “pedophilic” tendencies according to certain diagnostic criteria such as: “fantasies, urges, or behaviours that are recurrent, intense, and sexually arousing and all of which involve prepubescent children, generally age 13 or younger.”¹⁰⁷ Child pornography producers are child sexual abusers that create sexual content of children and distribute it through various means, using their major tool for distribution being the internet. The emergence of the internet creates a cloak of invisibility for paedophiles to contact the child pornography producers on a

¹⁰⁷ Kenneth V. Lanning, *Child Molesters: A Behavioral Analysis for Professional Investigating the Sexual Exploitation of Children* (2010).

fortified intricate network while ensuring financial gain for the producer and covert delivery for the paedophile.

Child sexual abuse is gendered towards females, 1 in every 20 girls aged from 15 to 19 (approximately 13 million) have experienced forced sexual intercourse.¹⁰⁸ 90% of perpetrators are male, a conducted survey in Finland, Germany and Sweden showed that between 1 in 5 and 1 in 10 men had had sexual conversations with children online in the year 2020.¹⁰⁹ 1 in 20 admitted to knowing that the children were not of age of consent and below the age of 12.¹¹⁰ Girls report rates of victimisation are 2-3 times higher than boys, this could differ depending on the context and organisational settings which could result in victimisation of boys to be found higher but the prevalence of abuse can be evidently seen in most cases towards girls.¹¹¹ Adolescent girls in 2020 had the highest victimisation rate of 12.9% of girls in The United States aged 14 to 17 and 15% of girls in Spain aged 12 to 15.¹¹²

There is no universally accepted definition for child sexual abuse and exploitation online, each country has different ways of defining and combating the phenomenon due to a number of cultural and structural differences. One of the major problems in forming a universal definition is that the age of consent or maturity differs according to country even though according to the *Convention on the Rights of Child (CRC)* the age of consent is 18.¹¹³ However a number of countries have made reservations according to age and some countries have the age of consent to be as low as 11 years old and as high as 21.¹¹⁴ While some countries opt out

¹⁰⁸ UNICEF, 'Actions to end sexual abuse and exploitation'

¹⁰⁹ Wager, N. Armitage, R. Christmann and R. Gallagher, B. Rapid evidence assessment: quantifying the extent of online-facilitated child sexual abuse: Report for the Independent Inquiry into Child Sexual Abuse, University of Huddersfield, Huddersfield, (2018)

¹¹⁰ Ibid

¹¹¹ UNICEF, *Supra note 110*

¹¹² Finkelhor, D. Shattuck, A. Turner, H. & Hamby, S. (2014a) The Lifetime Prevalence of Child Sexual Abuse and Sexual Assault Assessed in Late Adolescence, *Journal of adolescent Health*, 14: 1-5; de Santisteban, P. & Gámez-Guadix, M. (2018) Prevalence and Risk Factors Among Minors for Online Sexual Solicitations and Interactions With Adults, *The Journal of Sex Research*, 55:7, 939-950.

¹¹³ General comment No. 4 (2003) *Adolescent Health and development in the context of the Convention on the Rights of the child*.

¹¹⁴ The Week, 'The ages of consent around the world' (15 March 2021)

of giving a specific number, age of consent can be implied in instances when the marriage is statutorily permissible and in some cases where there is law against child marriage some communities in a bid to pursue cultural or religious obligations overlook them.¹¹⁵ Some countries such as Jamaica, Iraq and Uruguay parental consent can be given for underage children to marry.¹¹⁶

The lack of definition of key terms makes it difficult to gauge the standard in categorizing and eradicating child pornography and child sexual abuse, it gives way for hebephilia (sexual interest in children from the ages eleven to fourteen) and ephebophilia (sexual interest in children from the ages fourteen to nineteen) to have leeway and have lesser legal repercussions. When it has become universally accepted that children below a statutory age cannot morally give consent or have the mental capacity to consent and should not be subject to a person's sexual gratification, the issue of child pornography and sexual abuse will significantly decrease with legal backing and right implementation.

It has become more pressing for international communities to increase their efforts in their attempts of eradicating the sexual exploitation of children as the perpetrators of this heinous act have manipulated the use of the internet to be more discreet and evasive. This section would build upon the above paragraphs discussing different methods and ways the internet has been used as a tool for facilitating sexually exploiting children, highlighting the consequences and discuss previous collective efforts towards eradicating such.

International and Regional Framework

The UNICEF is guided by the provisions of the *Convention on the Rights of a Child, Articles 34 and 35 of the Convention* say governments should protect children from all forms of sexual exploitation and abuse and take all possible measures to ensure children are not abducted,

¹¹⁵ World Atlas, 'Countries where people get married the youngest'

¹¹⁶ Alex Gray, 'These are the countries where child marriage is legal' (26 September 2016)

sold or trafficked. *Article 4 of the Palermo protocol* states that each State Party shall consider, in applying the provisions of this article, the age, gender, and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education, and care. *Article 3* defines child trafficking to include the exploitation of the prostitution of others or other forms of sexual exploitation.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography provides in *Article 28* provides that state parties enhance the understanding of the purpose and provisions of the *Optional Protocol*, should; (c) Promote adequate knowledge among all persons, especially those caring for children, of different forms of sale, sexual exploitation and sexual abuse of children, and of the means to detect them and identify victims, as well as of existing reporting on how to use them whenever there are reasonable grounds to believe that a child is a victim; (f) Encourage the media to provide appropriate information regarding all aspects of the sale, sexual exploitation and sexual abuse of children, using appropriate terminology, while safeguarding the privacy and identity of child victims and child witnesses at all times. *Article 30(a)* with regard to specific groups who require specialized training, States parties should: ensure that teachers and other professionals working in various forms of education for children, including sports and cultural activities, receive adequate training in order to be able to effectively teach and speak with children about the sale, sexual-exploitation and sexual abuse of children; *Article 33(c)* provides that to prevent and end all harmful practices and exceptional attention to be paid to those practices that can amount to the sale, sexual exploitation or sexual abuse of children, such as child marriage. *Article 37* provides that states parties should prevent and address online sales, sexual exploitation, and sexual abuse of children through their implementation measures.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), the Protocol provides definitions for the offence of sale of children, child prostitution and child pornography. It also creates obligations on governments to criminalise and punish activities related to these offences. It requires punishment not only for those offering or delivering children for sexual exploitation, transfer of organs, or children for profit or forced labour.

Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Abuse. *Article 1* of this convention provides that the main purpose of this convention is to prevent and combat sexual exploitation and abuse of children to protect the rights of child victims and promote national and international cooperation against the sexual exploitation and sexual abuse of children. *Article 3* further provides the definition of a child, it provides that a child “shall mean any person under the age of 18 years.” *Article 20* defines child pornography as “any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes” *Article 12(2)* provides that Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report to the competent services.

General Comment No. 25 (2021) on children’s rights in relation to the digital environment by the Child’s Rights Committee. *Paragraph 81* states that Sexual offenders may use digital technologies to solicit children for sexual purposes and participate in online child sexual abuse, for example, by live video streaming, production, and distribution of child sexual abuse material and sexual extortion. Forms of digitally facilitated violence and sexual exploitation and abuse may also be perpetrated within a child’s circle of trust, by family or friends or, for adolescents, by intimate partners, and may include cyber aggression, including bullying and threats to reputation, the non-consensual creation or sharing of sexualized text or images,

such as self-generated content by solicitation and coercion, and the promotion of self-harming behaviours, such as cutting, suicidal behaviour or eating disorders. Where children have carried out such actions, State parties should pursue preventive, safeguarding, and restorative justice approaches for the children involved. *Paragraph 70* further states that State parties should consider appropriate measures enabling the detection and reporting of child sexual exploitation and abuse or child sexual abuse material. Such measures must be strictly limited according to legality, necessity, and proportionality principles. *Paragraph 14* states that State parties should take all appropriate steps to protect children from risks to their right to life, survival, and development. Risks relating to content, contact, conduct, and contract encompass, among other things, violent and sexual content, cyber aggression and harassment, gambling, exploitation and abuse, including sexual exploitation and abuse, and the promotion of or incitement to suicide or life-threatening activities, including by criminals or armed groups designated as terrorist or violent extremist. States parties should identify and address the emerging risks that children face in diverse contexts, including by listening to their views on the nature of the particular risks that they face.

Role of the International system

UNICEF in tandem with the other branches of the United Nations and its agencies have made continuous efforts to ensure the best interest of every child. One of its most prominent ongoing partnerships is with the Committee of the Rights of Child with combined efforts to realise its primary goal of protecting the best interest of a child and the healthy development of children. In a bid to actualize this UNICEF works or have worked with several partners, NGOs and international agencies, which do not exhaustively include;

The Oak foundation is a group of philanthropic organisations stationed around the world that provides grants and fights social injustice.¹¹⁷ The foundation endeavours to prevent all types of child abuse and encourages child safety, protection and wellbeing.¹¹⁸ developed a child safeguarding policy that is underpinned by *CRC* and the foundation hold itself accountable to International Safeguarding standards.¹¹⁹ Although the foundation does not come in direct contact with children, it provides aids in funding organisations who do, organisations such as Child Helpline International which is a global network that shares research and expertise to aid in providing adequate responses to children and youths in need of guidance and protection to advocate for their rights,¹²⁰ the Oak Foundation has provided funding in a program to stop child sexual abuse and exploitation.¹²¹ The foundation also provides grants for other numerous organisations, not limited to; Child Rights International Network, The National Society For The Prevention Of Cruelty To Children and UNICEF inclusive in their endeavours to combat Child Sexual Abuse.¹²²

Internet Watch foundation works to make the internet more child friendly and a safer place by locating and eliminating global online child sexual abuse content.¹²³ Trained analysts carefully asses each report made through its various reporting channels which provide anonymity and use technical internet tracing techniques to locate criminal content, when it is found outside of a country that has INHOPE hotlines¹²⁴ it is reported to the international police organisation, INTERPOL.¹²⁵

The foundation embarks on investigation working with the global internet industry, law enforcement agencies and governments to identify and fight against website owners and

¹¹⁷ Oak Foundation, 'Values, missions and history of child safeguarding'

¹¹⁸ Ibid.

¹¹⁹ Keeping Children Safe, 'Setting Tough International Safeguard Standards'

¹²⁰ Child Helpline, 'Our theory of Change'

¹²¹ Oak Foundation, 'Grant Database'

¹²² Ibid

¹²³ International Watch Foundation, 'All Children Deserve Protection from Online Sexual Abuse'

¹²⁴ INHOPE, 'Our Story'

¹²⁵ International Watch Foundation, 'How we access and remove contents'

domains that indulge in the spread of child sexual materials online. IWF constantly evolves to remain abreast with digital developments in order to create innovative solutions.¹²⁶

Internet Governance Forum was formed by the United Nations, to serve as a discussion platform working as a sounding board for members or stakeholders as equals in order to facilitate dialogue on policy and pertinent issues such as online child sexual abuse.¹²⁷ IGF identifies relevant issues, reports them to the appropriate authorities and makes recommendations where necessary but does not have any decision making power.¹²⁸ Dynamic Coalition on Child Online Safety is one of IGF subsidiaries whose key objectives include but not restricted to, reinforce attempts to battle against all forms of sexual abuse content online, to discuss ways to make certain web based reporting mechanisms and age restrictions are used effectively to prevent children from being exposed to certain types of sensitive content and ensure all the needs of children are respected while using the internet.¹²⁹

WeProtect Global Alliance is a combination European Commission and US Department of Justice's Global Alliance Against Child Sexual Abuse Online and WePROTECT, founded by the UK government as a global multi-stakeholder to combat online child sexual abuse.¹³⁰ This is a global alliance that brings experts from the private sector, civil society, governments and international organisations to protect children from online sexual abuse.¹³¹ It has published frameworks such as a model national response which is to serve as a guidance for countries and organisations in responding to incidents of child sexual abuse and exploitation online¹³²

¹²⁶ International Watch Foundation, 'Who we work with'

¹²⁷ Internet Governance Forum, 'About the IGF'

¹²⁸ International Institute for Sustainable Development, 'Review of the Mandate of the Internet Governance Forum: A response from the International Institute for Sustainable Development'

¹²⁹ Internet Governance Forum, 'Dynamic Coalition on Child Online Safety'

¹³⁰ WeProtect Global Alliance, 'Timeline'

¹³¹ WeProtect Global Alliance, 'Who we are'

¹³² WeProtect, 'Model National Response'

and on the global level through the global strategic response¹³³. It has also published reports discuss global threats and collective response of Child sexual abuse and exploitation online.¹³⁴ It provides briefing papers on research conducted in various countries.¹³⁵

The Commercialization of the Sexual Exploitation of Children

Child pornography has become a global million dollar industry and due to the internet harmful child pornographic materials has become cheaper, faster and easier to produce and distribute due to the uncontrolled nature of the internet.¹³⁶ Before the advent of Information Communication Technology (ICT), the cost of production and distribution of child pornography was more expensive due to the fact they had to use more expensive methods and equipment, ship or physically deliver videotapes or CD-ROM copies to consumers while also producing advertising material accordingly¹³⁷ but now child pornographic material can be produced, distributed and accessed all from one medium, the internet. There has been a shift from the traditional form of payment to the anonymity provided by digitalisation through cryptocurrencies such as Bitcoin.

Commercial sexual exploitation of children is the making child abuse materials available for purchase.¹³⁸ “This could include a website designed to provide child abuse images for a cost (normally subscription) or uncensored newsgroups who charge a fee for membership and have child abuse images available as part of their service.”¹³⁹ They can be considered as “any website which provides or appears to provide paid access to child sexual abuse images either

¹³³ WeProtect, ‘A Global Strategic Response’

¹³⁴ WeProtect, ‘Publications’

¹³⁵ Ibid.

¹³⁶ Rita Shackel “Regulation Of Child Pornography In The Electronic Age: The Role Of International Law”

¹³⁷ United Nations Office On Drugs And Crime “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children”

¹³⁸ The European Financial Coalition (EFC) in its 2009-2010 report

¹³⁹ European Financial Coalition against Commercial Sexual Exploitation of Children Online “Strategic Assessment of Commercial Sexual Exploitation of Children Online”

directly through a payment page or indirectly through a series of linked pages.”¹⁴⁰ There is no all-encompassing definition and it has to be judged on a case by case basis, due to various differences in the existing legal framework of countries.

“Live- distant child abuse” which enable the streaming of live images and videos for the consumption of sexual predators and paedophiles is no longer traditionally concentrated in South-East Asia (particularly Philippines) it has become more wide spread to other countries due to the advent of technology. Europol warns that it should remain a watchful risk as new cases keep arising.¹⁴¹ In 2013, 5236 URLs of suspected commercial CSAM were registered by INHOPE member hotlines, which are across the globe and in all continents.¹⁴²

There have been many reported cases in South-Eastern Asian countries of commercial live web streaming, which is made available for individuals from the EU demanding for Child Sexual Abuse Material (CSAM). The abusers use webcams or chat services to describe the form of sexual abuse they want to take place on the child victims. In a particular case study a male individual from EU ordered a woman to sexually abuse young girls for the sum of 25 to 30 USD for span 30 minutes per session. He paid an additional annual sum of 5500 USD for camera shots.¹⁴³

Children are denied their fundamental rights and treated as mere commodities for perverted entertainment. Unfortunately they are common disheartening cases like that of Solenn, a Philippine girl who was first sexually abused in front of a desktop screen when she was only 12 years old. At the time it happened she hadn’t understood the gravity of what had occurred

¹⁴⁰ INHOPE’s working definition provided at the beginning of 2013 and meant for the work of EFC Work Package 1.

¹⁴¹ Europol. The Internet Organised Crime Threat Assessment (IOCTA) 2016. (2016), p. 26.

¹⁴² INHOPE “History of INHOPE”

¹⁴³ European Financial Coalition against Commercial Sexual Exploitation of Children Online “Commercial Sexual Exploitation of Children Online A Strategic Assessment Public version” (October 2013)

until a year later when she had been rescued.¹⁴⁴ A young girl sold in a matter of seconds to foreigners in the Western world and abused for their twisted sexual gratification through a camera under the mask of anonymity the internet had created.

With the advent of technology rural communities in developing countries use technology to continue archaic traditional practices such as child marriage. In Obalinku Local Government in Cross River State, Nigeria there is a prevalent practice of selling daughters as young as ten years old to defacto slavery called “child marriages,” this practice is deeply entrenched in their culture. Parents sell their daughters which are infamously called “money wives” or “money women” in order to settle debts or obtain commodities such as food, livestock or money. This horrific phenomenon has now progressed online and can be seen on social media platforms such as the most commonly used app in Nigeria, Facebook, as more people in rural communities have access to the internet and smartphones. Expanding their horizon to not be limited to their communities alone.¹⁴⁵

This act of selling daughters online is not limited to Nigeria alone, Facebook in the year 2018 was under fire when the platform was used to host a bidding war of a 16 year old girl in South Sudan. The bid started in October 25 and ended when a wealthy man bought her on November 3, Facebook did not take the post down until November 9. The bid had included senior officials in the South Sudanese government, this is a testament to the failure of the government in combating this issue.¹⁴⁶

Solenn’s story unfortunately is not uncommon amongst children in low income home and underdeveloped communities, with the advent of technology and Covid-19 pandemic there has been a staggering increment in cases of child sexual abuse victims.

¹⁴⁴ See link in bibliography

¹⁴⁵ Philip Obaji, 'Child Brides in Africa Are Advertised on Facebook and Sold to Old Men' (4 April 2019)

¹⁴⁶ Ibid

Vulnerability and Ease of Access of Children Online

“Around the world, a child goes online for the first time every half second.”¹⁴⁷ Although ICT has numerous benefits in educating and entertaining children, it can be proven to be a hunting ground for predators. The internet exposes children to numerous harmful risks such as sexual exploitation and abuse. Children are increasingly getting more involved with social media in recent years as they have more access to the internet giving them the opportunity to create social media profiles and have more of an online presence, thereby making them easier to detect. A poll conducted in USA, 2021 shows that 50% of children from the ages 10 to 12 and 33% of children ages 7 to 9 use social media apps.¹⁴⁸ .

Predators no longer need to lurk around parks or event centres with suspicious looking vans and candy, the internet and technology gives them a plethora of opportunities to connect with them online without them needing to leave the confines of their homes. Predators use the internet to reach out to minors through social networks, gaming platforms or apps, posing as a fellow peer or impersonating public figures, using fake photos or fake profiles to connect to minors, through the access they bring the children to them or at least out of their protective bubble, through online grooming, threat through breach of privacy, tracing and other various heinous means.

The naivety of the mind of a child or young person makes them more susceptible to predators online, the acceptance of a seemingly non-threatening friend request can be easily turned into a link or access point of a sexual predator.

¹⁴⁷ UNICEF “Protecting Children Online”

¹⁴⁸ C.S Mott Children’s Hospital “Mott’s Poll Report: Sharing too soon? Children and social media apps”

A study conducted in 2019 by the Office of the eSafety Commissioner found that 24% of 8-17-year-olds later met people who they initially met through online encounters.¹⁴⁹ Although various platforms require age limits¹⁵⁰ and have taken various steps to curtail usage, those measures taken can easily be bypassed. Children in a bid to feel among, hop on a trend or just communicate with friends still join various social media platforms despite age restrictions put in place. While using social media platforms most children and young people do not take necessary steps to ensure their safety and without careful sensitization and supervision by guardians they become vulnerable prey to sexual predators, often sharing private and personal information.¹⁵¹

With the advent of technology there are new and fun ways to communicate, it has also developed various new ways to infiltrate private conversations and gather sensitive information discreetly and with the intricate network that is the internet, nothing really disappears forever, anything that goes on the internet stays on the internet.

Using the popular app Snapchat as a case study a lot of children, pre-teens and teens fall victim due to the misleading nature of the app giving a false sense of privacy and security that after a few seconds or 24 hours videos and messages sent will disappear but it doesn't take into account third party programs that can hack and save private content without the knowledge of the victim.

“The Snapping” the coined term for the mass hacking that occurred in October 2013 where a database containing at least 100,000 pictures and videos from people’s snapchat account.¹⁵²

¹⁴⁹ Marika Guggisberg, 'Children can be exposed to sexual predators online, so how can parents teach them to be safe?' (26 August 2019)

¹⁵⁰ Internet Matters, 'At what age can my child start social networking?'

¹⁵¹ CEOP, 'Is your child ready for social media'

¹⁵² Maya Kosoff, 'Snapchat tells underage teens to stop sexting: 'Keep your clothes on!'' (20 February 2015)

Barton Scott a convicted sex offender was charged with the offence of using snapchat to produce child pornography.¹⁵³

The Dark Net as a tool for Sexual violation and abuse of children

The “darknet” is an overlay of networks within the internet that can only be accessed with a specific configuration or authorization. The internet is beyond what we can easily access through search engines and surface content. There are content intentionally concealed and not categorised or indexed by traditional search engines, this segment of the internet can be considered as the dark web. It can be used to conceal malicious and criminal activities¹⁵⁴ such as the continuous spread of child pornography and the nature of the anonymity of the dark web allows for criminals to escape from justice due to difficulty to pin point perpetrators.

In 2021 German police in cooperation with Europol and law enforcement agencies from Australia, Canada, Sweden, USA and Netherlands brought to an end one of the biggest dark net platforms in the world for child pornography named “Boystown” the site had been used by allegedly more than 400,000 registered members. Paedophiles used the platform to exchange sexual graphic content involving children and severe sexual abuse of toddlers especially boys were recorded from all over the world. The administrators of this site gave tips to registered members on how to evade law enforcement when using the platform to consume and share illegal child pornography.¹⁵⁵

¹⁵³ U.S Attorney, 'Convicted Sex Offender Pleads Guilty To Using Snapchat To Produce Child Pornography' (6 February 2019)

¹⁵⁴ Congressional Research Service, “Dark Web”

¹⁵⁵ Mark Armstrong, Euronews, “Germany child porn: One of world's biggest darknet platforms, with 400,000 users, taken down”

A South Korean website in March 2018 was taken down for the distribution of child pornography, the site accepted payment only in Bitcoin to provide the users with anonymity. The investigation was carried out by the chief of criminal investigation at the US Internal Revenue Service along with British National Crime Agency, due to the fact the website was located on the darknet and was not easily uncovered as it wasn't visible to search engines and required an anonymizing browser to access. Despite this authorities were able to arrest over 300 individuals from around the world, who had paid using Bitcoin Cryptocurrency for illegal videos of child pornography on the dark web. Law enforcement agencies from the UK, US and South Korea described the operation as one of the largest child pornography dark web take downs to have been tackled to date, the arrests had spanned over 12 different countries and authorities were able to rescue 23 victims of child sexual exploitation from Britain, United States and Spain. The US Justice Department had collected at least \$3.7 million worth of Bitcoin between June 2015 and March 2018.¹⁵⁶

Freedom of expression v Child pornography

Freedom of expression according to *Article 19 of the UDHR* contains the right to hold opinions without interference and to seek to impart information and ideas through any form of media.¹⁵⁷ Freedom of expression can take numerous forms and in this direct context can be defined as the right to express one's self through the display of an artist's artwork or artistic expression, which can be interpreted as a justifiable right linked to other fundamental human rights but problems arise when such artwork or expression is used as a tool in the sexualization of children and marketing of them sexual beings to derive twisted forms of sexual gratification from, rather than innocent children.

¹⁵⁶ Learn German DW, "Hundreds arrested in dark web child porn investigation"

¹⁵⁷ United Nations. Universal Declaration of Human Rights. 1948.

Over the years art can be recognized as a powerful medium of communication, it has the innate ability to go beyond the cultural and language barriers.¹⁵⁸ Art is a powerful form of expression that has a way of influencing people and has a way of making more impact than political discourse and even academics.¹⁵⁹ Like any other form of expression and every right a line must be drawn when it violates the rights of others especially in cases of underaged children at the mercy of adults.

Sexual exploitation of children through the use of art has existed throughout the years even before the advent of modern technology there has been artistic expressions of the nude form of child that during that time was seen as “classic art” but now under careful study can now be categorized as child pornography. Nude Cherubs are examples of paintings and sculptures of children which paints them in a sexual light but is still revered as being sacred but also profane.¹⁶⁰

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.¹⁶¹ According to the Oxford dictionary, Art is the expression or application of the human’s creative skill or imagination which can be categorised and protected under the right to freedom of expression which although is a powerful right is not absolute and problems arise when such rights infringe on the right of another person. The pertinent question to ask is when does this expression now then become a violation of the rights of a child?

¹⁵⁸ The Artist Editorial, 'Freedom of Expression Definition and Importance'

¹⁵⁹ Ibid

¹⁶⁰ See link in bibliography.

¹⁶¹ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography ADOPTED 25 May 2000 BY resolution A/RES/54/263 at the fifty-fourth session of the General Assembly of the United Nations

The European Court of Human Rights considered for the first time in history in the year 2011, the question of criminalization of child pornography and its compatibility with freedom of expression. The artist had an exhibition of hundreds of photographed minors engaged in sexual acts in a gallery in Helsinki, the exhibition was titled "Virgin-Whore Church". The artist had gotten the photos from the internet claiming to have done the exhibit to bring awareness and spark conversation on the ease of access and extensive existence of child pornography.¹⁶² Some of the images were extremely violent and degrading in nature. The wrong approach led to further victimisation of the children and spread of sensitive images for consumption without consent, these images were all made available on the internet.¹⁶³

In the year 2013 the police raided an art gallery in Melbourne, where an artist who went by the name Paul Yore displayed obscene artwork where the faces of children were superimposed on images of adults engaging in sexual acts. In his defence he claimed that his goal was not to sexualize children but an exercise of his artistic freedom. Hetty Johnston, founder and executive director of Bravehearts, an Australian Child protection organisation, stated that no matter the context it is inappropriate to portray children or depict them in anyway as possible legitimate sexual targets.¹⁶⁴

Freedom of expression although a fundamental human right, on the internet should be legitimately limited in pursuance of the best interest of a child.

¹⁶² Rónán Ó Fathaigh, 'Child pornography and freedom of expression' (24 April 2013)

¹⁶³ IRIS, 'European Court of Human Rights : Karttunen v Finland' (3 October 2011)

¹⁶⁴ See link in bibliography

Criminalization of sexual violence and exploitation of children

The rise of digital communications, the internet and social networks has added challenges in the protection of children from sexual violence and abuse. Child pornography and online sexual abuse has become rampant and in 2005, an estimated one million child sexual abuse images were online.¹⁶⁵

A case study of the ways technology facilitates sexual abuse of children is the case of 'Alexandra Man', a man who portrayed himself as a woman with the name Alexandra to establish contact with young girls whom he later sexually abused. The case received a lot of attention in the media since it was the first case in Sweden where a person used technology to get in contact with a high number of girls that he later sexually abused in different ways. This shows the dominant use of social media in grooming children for the sole purpose of assaulting and exploitation.

Since child sexual abuse and exploitation is a particularly serious crime with wide-ranging and serious life-long consequences for victims and because they also cause significant and long-term social harm, it is paramount for governments to be in line with the fast-developing structures and to criminalize all forms of online sexual exploitation and abuse of children. To that end, international standards have been developed criminalising sexual violence and the exploitation of children.

However, there may be change on the horizon. The Committee on the Rights of the Child has in recent years given increasing attention to ICTs and the internet. It has also highlighted crucial areas requiring further efforts, including the adoption of "a national coordinating

¹⁶⁵ WHO, 'Violence Against Children' (8 June 2020)

framework to address all forms of violence against children, including on the internet”; a passage of comprehensive legislation “to criminalize all forms of child pornography and sexual exploitation of children on the internet” and the “solicitation of children for sexual purposes and accessing child pornography utilizing information and communication technology”; and measures to prevent publication and dissemination of pornographic material concerning children through surveillance mechanisms to automatically block offending internet service providers (ISPs) and other media, and taking prompt steps to establish an authority for internet safety, ISP licensing and checks for content harmful to children.¹⁶⁶

The Lanzarote Convention is the first treaty to address children’s protection from sexual violence in the face of challenges presented by technological developments, and to identify as an offence the solicitation of children for sexual purposes through ICTs, often known as “grooming.” The Council of Europe Convention on Cybercrime (Budapest Convention): The Council of Europe Convention on Cybercrime (Budapest Convention) criminalizes offenses against and through computer systems, including child pornography; provides law enforcement with effective means to investigate cybercrime and secure electronic evidence, and offers a framework for international police and judicial cooperation in computer-related cases involving crimes against children.¹⁶⁷

In a bid to curb the prevalence of sexual violence, many states have also enacted various criminal laws which mirrors the international standard. However, to effectively curb sexual based violence and protect its victims, mere criminalization of sexual offences is not adequate except it is coupled with cooperation from diverse sectors, including health, education, welfare and criminal justice. There should be also be the adaption of the public

¹⁶⁶ CRC Concluding Observations 2014

¹⁶⁷ Bistra Netkova, ‘international Legal Standards In Combating Child Online Sexual Abuse And Exploitation’ 6(3) JLIA (8 January 2021)

health approach that aims to extend care and safety to entire populations and focuses primarily on prevention, while ensuring that people who experience violence have access to appropriate services and support.¹⁶⁸

Conclusion

Every child has the right to live a life free from all forms of violence and abuse. Victims of child pornography are continuously violated as the victimization never ends as the images placed on the internet can never be fully erased. Upon publication, the video or image could have been downloaded or reshared and can easily resurface causing the victim to relive the horrendous experience. There are numerous short-term and long-term effects of Child pornography that span across social, physical and mental repercussions affecting the fundamental rights of human beings that rob them of the chance to live normal lives. The stigma cannot be completely erased but it can be curtailed and its far-reaching effects minimized. UNICEF in fighting for the right of every child has adopted different strategies in combating this evil phenomenon.

Further Research

Are there independent laws addressing the sexual abuse and pornography of the child?

If they are, are the laws really sufficient? If they are not, what do you recommend could be done to make the laws sufficient? Should there be uninhibited access to the internet by children? Would that violate any of the rights a child is guaranteed? How can a balance be struck between restrictions to access to the internet and the right to information of a child?

¹⁶⁸ WHO, 'Understanding and Addressing Violence Against Women'

Scope and Resources for Research on Background Guide

The scope of this research is based on existing laws, legislation, and international treaties and conventions regarding child pornography, sexual abuse, and trafficking. Countries have active case studies and case law with dissenting judgments. Resources will include case laws, UN Documents, UN websites, newspaper articles, and other relatable or relevant documents.

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