



IMPLEMENTATION AND ENFORCEMENT OF LAWS STRATEGY

Practical application of the INSPIRE framework for effective prevention of violence against children

SUMMARY

This reader provides a step-by-step guide for child rights actors, government and other stakeholders to implement the ‘I’ strategy of INSPIRE –the *Implementation and enforcement of laws*, based on the INSPIRE Handbook. INSPIRE is a group of seven complementary strategies developed by global development partners, for comprehensive prevention and response interventions that reduce violence against children.

Keywords: INSPIRE, laws and policies, children’s rights, enforcement, humanitarian

An overview of the INSPIRE Implementation and enforcement of laws strategy

A 2018 World Health Organization report stated that "globally, it is estimated that up to 1 billion children aged 2–17 years, have experienced physical, sexual, or emotional violence or neglect in the past year". This is despite the almost universal ratification of the United Nations Convention on the Rights of the Child (UNCRC), which includes a commitment towards preventing of all forms of violence against children (VAC).ⁱ

In East Africa, the most recent national surveysⁱⁱ conducted in Uganda, Rwanda, Tanzania and Kenya indicate a high level of prevalence of violence against children in the region, although these countries are signatories to both the UNCRC and the localized African Charter on the Rights and Welfare of the Child (ACRWC), which includes the same commitments towards combating VACⁱⁱⁱ.

INSPIRE is based on evidence that a confluence of social, economic, and cultural factors can either help protect children or increase their risk of violence. These factors operate on multiple levels –the individual, family, communities and institutions, and society as a whole. Therefore, practitioners need to acknowledge the inter-relatedness of the seven strategies, and adapt them to a local context.

Specifically, creating an enabling environment for prevention of violence requires a strong regulatory framework which is the focus of the *Implementation and enforcement of laws strategy* in INSPIRE.

Box 1: Understanding violence against children

Violence as defined by the UNCRC includes all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse.

Objective of the implementation and enforcement of laws

The main objective of the strategy is to ensure all children, including adolescents, grow up with greater freedom from all forms of violence; and those who do experience violence benefit from more appropriate care, support and access to justice needed to ensure physical, mental and social well-being.

In Practice: Planning for Implementation and Enforcement of Laws

Table 1: Policy process applied to violence against children

Domain	Actions	Sources of Information
Problem identification	<ul style="list-style-type: none"> Assess scope and magnitude of violence against children Assess gaps in existing laws and policies that address violence against children Assess gaps in implementation or enforcement of laws 	Survey data Administrative data Qualitative data Stakeholder consultation Legislative assessments Gap analyses
Analysis: identify, describe, assess and score policy options	<ul style="list-style-type: none"> Determine potential impact of different laws on priority areas for violence prevention Cost implementation, including human resource and training needs, public education, supporting efforts, monitoring Assess feasibility in different settings or conditions 	Literature reviews Best practices or guidelines Environmental scan Budget analysis and costing exercises SWOT analyses CDC Policy Analysis Tools (see Resources section)
Strategy and Policy development	<ul style="list-style-type: none"> Clarify operational issues and support needed for those who will adopt the law, including barriers to implementation, training and public awareness Share information through white papers, policy briefs, presentations or dialogues Conduct additional background work if needed, including developing an agenda for additional research 	Stakeholder consultation and feedback
Enactment	<ul style="list-style-type: none"> Identify locally relevant mechanisms for enacting law, regulation, procedure, administrative action, incentive, or voluntary practice 	
Implementation	<ul style="list-style-type: none"> Translate the law into operational practice and define implementation standards Implement regulations, guidelines, recommendations, directives and organizational policies Identify indicators and metrics to evaluate implementation and impact Coordinate resources and build capacity of personnel to implement and enforce the law Assess implementation and ensure compliance with policy Support post-implementation sustainability efforts 	Guidelines, standards and recommendations from international agencies working to address violence against children (see Resources section at the end of this chapter) INSPIRE Indicator guidance and results framework

Source: *The INSPIRE Handbook: Action for implementing the seven strategies for ending violence against children*, WHO, 2018, pg 44

Box 2: Preventing VAC in humanitarian settings

Children are particularly vulnerable to violence in conflict settings or emergency response situations where they are displaced from their homes. The breakdown of formal and non-formal protective structures including community and national legal structures fuels an atmosphere of recklessness, eliminates boundaries and leaves children desperate for help wherever they can find it –giving a deadly advantage to violence perpetrators. In such situations, the minimum legislative environment required includes:

- Contingency plans for law enforcement in crisis situations
- Practical reporting mechanisms that facilitate access to justice
- Training, codes of conduct and vetting for all personnel handling children –e.g. peacekeeping forces, volunteers
- Birth registration to ensure access to their rights under the law

Strategic planning for implementation and enforcement of laws

1. Assess the current legal environment
2. Select most appropriate interventions
3. Build sustainable partnerships
4. Determine resources needed and sources of funding
5. Select approaches for local context
6. Plan for monitoring and evaluation

Priority areas of the strategy

Laws limiting youth access to firearms and other weapons

Minimum age for purchase

Background checks for past history of violence, mental health

Prevent illegal circulation of firearms

Public awareness-raising



Laws banning violent punishment of children

Public education and promotion about effects of violence, and alternative discipline

Establish a range of escalating responses and sanctions

Supportive intervention for families

Protective laws in schools, communities, care, and justice system

Training of service providers to children and families



Laws preventing alcohol misuse

Alcohol misuse predisposes children to violence and increases their risk to become perpetrators of violence

Setting minimum age for purchase, delimiting alcohol sales outlets and limited sales hours with focus on overall community health rather than merely prohibition

Focus on policy and environmental influences

Data collection, mapping and analysis to inform policy

Build capacity of local government institutions to implement retail and excise policies

Involve liquor industry, retail sector, small scale owners as producers

Laws criminalizing sexual abuse and exploitation of children

Awareness-raising and norms change

Decreased public acceptance of acts that represent child sexual abuse and exploitation, including online sources

Laws that explicitly define and criminalize sexual violence to quicken legal prosecution processes

Establishing formal mechanisms for cross-sector and international collaboration

Training of first responders to handle cases appropriately; specialist personnel or units

Designating specific responsibilities within the process of investigation and prosecution to appropriate sectors

Strengthening social service, health and justice systems

Change gender and social norms that perpetuate or condone abuse

Addressing Challenges in Implementation

1. Lack of resources
 - Mobilize funds through activism and lobbying
 - Use evidence and best practices to find resource-efficient interventions, such as foster care instead of institutional care
 - Integrate child-focused violence prevention and response components to existing service delivery trainings such as social services, health and justice personnel
 - Add violence against children component to larger-scale initiatives
2. Scaling up the programmes
 - Develop a scale-up strategy in the early designs of the programme
 - Stick to the core principles that made the intervention work initially including the theory of change
 - Allocate sufficient time and resources to implementing organizations
 - Engage program developers on how to scale up
 - Create mechanisms to constantly monitor implementation
3. Children's participation
 - Actively engage children's opinions and feedback during implementation
 - Pay special attention to marginalized children, children with disabilities, and children living in institutional care
4. Building partnerships for implementation of the strategy
 - Identify and meaningfully engage with stakeholders throughout implementation

However, even as the Handbook^{iv} states: “Laws alone do not reduce violence, but their effective implementation and enforcement supports and strengthens all INSPIRE strategies to end violence against children.”

Endnotes

ⁱ UCRC, Article 19 (Protection from all forms of violence): “Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them...”

ⁱⁱ Latest national surveys are available on www.unicef.org

ⁱⁱⁱ ACRW, Article 16: Children should be protected from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.

^{iv} INSPIRE Handbook: Action for implementing the seven strategies for ending violence against children, WHO, 2018, pg36, 54

Accessed at: https://www.who.int/violence_injury_prevention/violence/inspire-package/inspire-handbook/en/

Further reading

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