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United Nations Secretary-General's
Study on Violence against Children

Notes for oral presentation of the
Independent Expert, Mr. Paulo Sérgio Pinheiro
to the World Conference on Prevention of Family Violence

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Honourable Ministers, Ladies and Gentlemen, good morning:

No violence against children can be justified. It is perverse that children should still lag so far behind adults in being accorded equal legal protection from assault and humiliation and that the world places so low a priority on ensuring their safety. Children are different from adults, but their differences all justify more, not less, protection under the law as well as a greater investment in preventing violence against them.

This main challenge for the UN Secretary-General's study on Violence against Children is to ensure that children enjoy the same protection as adults – at the very least; it will challenge social norms that condone any form of violence against children, including all corporal punishment, whether it occurs at home, schools or other institutions. The study will also challenge social norms which justify violent practices under the guise of traditions.

I am gathering information concerning the nature, incidence, causes, and consequences of violence against children taking into account the various settings in which such violence takes place. Mindful of the fact that the study must lead to the development of strategies aimed at preventing and combating all forms of violence, I have also focused my work on collecting examples of good practices, including those developed with contributions from children.

The global perspective aimed at by the study requires the active involvement of the broad range of institutions dealing with issues related to the problem of violence against children at international, regional and national levels. The Study's activities during the current year aimed at ensuring consistent participation from the various stakeholders involved in this process, including representatives from governments, international organizations, civil society entities, and children.

States have a primary responsibility to prevent and respond to all forms of violence. The family has a unique role in the prevention and protection of children from all forms of violence. Civil society organizations have a key role in mobilizing and strategizing all efforts in nations and in the international society to end violence against children. During this process of preparation of the study it became very clear that children's right to participate must be respected and promoted.

I have been positively surprised by the fact that over 120 Governments have provided comprehensive and thoughtful responses to the questionnaire prepared by the study, outlining laws, policies and programmes in place to address violence against children. I have also been inspired by the nine regional consultations on the study convened from March to July 2005, all of which I attended. Each of these consultations brought together an average of 350 participants, including Government representatives and parliamentarians, United Nations entities, regional and intergovernmental organizations, non-governmental organizations, national human rights institutions and other parts of civil society, the media, religious organizations and – of course, children. One of the most successful consultations was held in Toronto and I take this opportunity to express my deep gratitude to the great support from the Canadian Committee of UNICEF and senator Landon Pearson, a world champion in the fight for children's rights.

The UN study on violence against children has a very broad scope; we deal with all forms of violence against children except for situations of war. The report will explore different forms according to the settings where it may take place, and also where interventions can be implemented. The settings are: the home and the family, schools, institutions, the community and work settings. We deal also with cross cutting issues that are relevant across the various settings such as gender based violence, violence against children with mental and physical disabilities and members of other vulnerable groups. As the conference here has the focus on family violence I will try to address some of the related topics that were raised through consultations and by government replies.

Ladies and Gentlemen:

The word violence always provokes a clear negative perception. When it comes to violence against children I believe that the reaction is even stronger. Although, violence against children remains a pervasive problem. Such contradictions can only survive if most of the violence committed against a child is kept invisible, or is not even considered to be violence. There are many examples of specific language that is used to describe acts of violence towards a child which would be considered an offence if committed against an adult – such as the violence children experience in the name of “discipline”. As long as many forms of violence are condoned, are considered not sufficiently serious, are permanently unnoticed due to the walls of houses or institutions, or worse still are considered *necessary* for normal development of a child, the climate for proliferation of violence is enhanced.

This problem is more evident in the home context: traditionally, the home is regarded as a place of safety and security where family members offer support and protection to children--a sanctuary from violence and harm. Indeed, a safe and secure home is exactly where children should grow up. But for too many children, however, this is not reality. In fact, some research indicates that very young children are more likely to be killed or physically harmed in their own homes by other family members and neighbors than anywhere else or by anyone else in society. And this is not new, for centuries violence has been a part of the home life of many children. Violence to children in the context of home and family may occur as physical, sexual or emotional violence, neglect, sibling violence, witnessing of domestic violence and harmful traditional practices.

The traditional “privacy barrier” that exists between the domestic sphere and public sphere has inhibited the evolution of policies and legal instruments to respond and prevent violence inside the walls of the home. The absence of accurate and comprehensive data is one of the first clear indications of the presence of this veil, hampering the development and evaluation of successful strategies to address this serious problem. Responses to the government questionnaire prepared by the study indicated that although a number of studies had being carried; an overall lack of systematic national statistical data on violence against children is remarkable in the majority of countries.

Democratic notions have only slowly entered the domestic realm and so there is much to be accomplished. Many forms of intervention, through advocacy and addressing social norms or policies are regarded with suspicion, as threats to the family and to traditional ties. This situation

must change, to emphasise the focus on strengthening the family. But today, only a handful of high-income countries have actually developed integrated systems for preventing and responding to family violence against children. Most countries, despite their obligations in respect of the Convention on the Rights of the Child, have no systematic approach to preventing family violence against children and protecting children when it does occur.

Mr. Chair,

Perhaps one of the crucial topics to emerge through the Study process, the acceptability of corporal punishment, was certainly one of the main issues debated in the consultations held by the study. Children all over the world expressed their concern “in no uncertain terms” about being hit, being “smacked” or “spanked” or receiving other humiliating and physically harmful forms of chastisement accompanying children inside their homes, inside their schools or within State institutions. Children in all continents have told me how much they are hurt by this routine violence; how upsetting they find adults’ approval and acceptance of this violence; how it hurts them not only physically, but “inside”. Ending corporal punishment of children should no longer be controversial in any place. We have to see it first as a simple and fundamental issue of human rights. Children are not mini-human beings with mini human rights, they are children with an equal right to protection of their human dignity and physical integrity. It is no more acceptable to hit a child than to hit a woman, an employee, an elderly relative [or even an independent expert].

As there are different consequences for different forms of violence, very different approaches are warranted in taking action that is culturally appropriate and relevant for children and young people themselves. The settings approach of the study is based on this premise and will help to build specific recommendations bearing these particularities. But it is also very clear that without condemning this practice wherever it occurs, it will always be difficult to ensure strong protective environments for children.

A preliminary analysis of the questionnaires received from governments indicated that explicit prohibition of corporal punishment is more common in schools although implementation varies, but very uncommon across the full range of settings. Corporal punishment is often allowed as a right to discipline the child in families and schools. The prohibition of this practice in the home and family setting was far from clear in the responses with many countries referring in their answers to the prohibition of physical violence, misuse of means of correction, abuse of authority rather than to corporal punishment. While States are clear about the prohibition of physical violence against children, the question of what constitutes physical violence, as well as issues such as the right to discipline or the parental right to administer punishment, often prevent a clear implication that corporal punishment is unlawful. A number of responses demonstrated that it is left up to the courts to make the decision on a case by case basis as to whether or not corporal punishment has taken on the necessary proportions to fall under the relevant legislation

The law must provide children with equal protection from assault; the legal defenses of “reasonable chastisement” or “lawful correction” were used for centuries to justify husbands beating their wives, masters beating their apprentices. But societies have moved on and they must now quickly take this final step and prohibit all corporal punishment of children. It is sad and ironic that children, the most vulnerable of people, should have had to wait until last for this basic protection. There is nothing “reasonable” about hitting children and it cannot remain lawful. We cannot draw lines and try and define acceptable ways of hitting children.

And this is not a trivial matter; despite the absence of data that remarkably hides various forms of violence, the prevalence studies I have seen from States in all regions show that children are being hit from babyhood, often with implements. In Afghanistan, 82% of children reported that slapping, kicking and hitting with a stick are common forms of punishment; over half reported being hit or severely beaten for being noisy or naughty; almost a quarter for not learning their school lessons, and nearly 10% for disobeying adults. In England, 91% of mothers reported having smacked/hit their children. In the Philippines, 75% of mothers reported spanking their children's buttocks with the hand in the previous 6 months; 60% pinching; 51% hitting with an object on the buttocks; 31% twisting their child's ear; 23% pulling hair; 21% slapping their child's face or head; 21% hitting with an object not on the buttocks; 20% shaking their child. In New Zealand, 51% of parents and 21% of caregivers reported using physical punishment; the most common form was smacking on the bottom. Its broad acceptance in many cultures reflects an assumption that violence is educational, that violence is for children's "own good" – an assumption revealing a long-standing belief that children must learn through pain, rather than through compassion and understanding.

To successfully challenge this social norm we must flag that we are not talking about the mere criminalization of families. Fulfilling children's right to equal protection under the law does not of course mean that parents should be dragged into court for minor assaults on their children. The first purpose of law reform is educational. Prosecuting parents is very seldom in the interests of their children. Interventions should be supportive and only become formal when it is judged to be necessary to protect a child from significant harm, and in the child's best interests.

Research also suggests that it is only when all corporal punishment is prohibited and the prohibition is linked to sustained public and parent education that attitudes and practices change significantly and effectively, non-violent forms of discipline are adopted.

Challenging corporal punishment is no threat to the family. On the contrary, the promotion of non-violent, positive forms of discipline reinforces the family's role in protecting children from all forms of violence. The Convention on the Rights of the Child upholds the family as the as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, and requires the State to fully respect and support families. It is obvious that all efforts to end corporal punishment, whether in schools, in families or other places, must include consistent and comprehensive efforts to offer notions on alternative forms of discipline. No practice will change if parents and teachers don't understand different ways to pursue their educational tasks.

But I am very encouraged by the accelerating global progress: each of the nine regional consultations held for the Study around the world have called for prohibition of all corporal punishment, including in the family, linked to educational measures to eliminate it. Globally, more than half the States have prohibited corporal punishment in schools and penal systems and 17 have prohibited it in the family as well. And there are more commitments to do so from States in all continents. In Latin America, four countries including my own have bills to prohibit all corporal punishment before their parliaments.

In Europe, the human rights mechanisms of the Council of Europe have condemned corporal punishment. The European Committee of Social Rights has told States that prohibition of all violence is required by the European Social Charter and the Committee observed that it “does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence.” In June last year, the Parliamentary Assembly of the Council of Europe adopted a detailed recommendation stating: “The Assembly considers that any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member States violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society and children are human beings...”.

Ladies and Gentlemen:

Corporal punishment is one of the problems that remain even legally untouched and invisible inside the walls of the home, but there are other serious forms of violence, such as killings and sexual violence, despite legal provisions and a strong social rejection - - yet we suffer from the lack of accurate data and efficient prevention strategies and the courage to implement them, as well as systematic monitoring systems.

Sexual violence is another prevalent form of violence that children experience in the context of home and family. \ The psychological and developmental injury coupled with the impact on sexual and reproductive health can be devastating. Not only the existing data is insufficient, but the estimates of this problem vary according to the definitions of sexual violence employed and the methods used to collect information.

Sexual violence appears to be experienced at alarming rates in most countries around the world, similarly cross cutting borders of class, culture and education in the north and south. An international overview of child sexual abuse studies in 21 countries indicates that between 7% and 36% of women and 3% to 29% of men report sexual victimization during their childhood. It is not easy to reach and talk to the victims; some of the existent estimates gather information through adolescents (13 to 14 years). 9% Adolescents in a Romanian national study reported they had been sexually violated in the family and 1% claimed they had been raped. Similarly, questionnaires to mothers in Tajikistan found that one in ten mothers reported men in the family (husbands and/or relatives) had sexually assaulted their children.

According to preliminary evaluations of the questionnaire responses, the provisions that address sexual violence that occurs in the home/family setting can be found in the penal code. Most of those provisions, however, while they can be used in the home/family setting if that is where they occur, are not specific to that setting or else the setting applies only to the severity of the penalty. There are nevertheless, certain sexual offences within the penal code that such as incest and infanticide of a newborn by its mother, that by definition are applicable to the home/family setting. Furthermore, a couple of responses indicated the existence of entire chapters or sections of the penal code that address the family. The same problem can also be addressed under other laws such as laws relating to the protection of children, laws on domestic violence or family law, which, while not child-specific, refer specifically to violence in the

home/family setting, or specific laws on violence in the family, which would protect children from physical, psychological, or sexual violence by a family member.

Mr. Chair:

Violent and harmful practices can not be justified on the grounds of tradition, and many regions decried this in the consultations for the Study. Some traditional practices involve the infliction of physical pain and disfigurement, such as binding, scarring, burning, branding, coin rubbing, tattooing, piercing, and initiation ceremonies. Other cultural traditions might involve social exclusion, such as deliberately discriminatory treatment of female children or children born on certain days, or lack of treatment for disabled children. Much of the discriminative behaviors are related to deeply entrenched and limited gender roles.

In my field visits to regions like West Africa and South Asia, I had the great experience to meet very brave and active religious and community leaders who protect adolescents who may be threatened by social norms and who develop, together with local networks, programs that promote non-discriminative practices. In Bamako, Mali, I have the privilege to visit Apaf Muso Dambe, a local NGO providing assistance to female victims of violence and other human rights violations. Girls talked to me about their vulnerability to violence and social exclusion, often related to early or unwanted and forced pregnancy. The issue of female genital mutilation (FGM) was also raised during my visit to the *Programme national de lutte contre l'excision*. A group of representatives both from government and civil society informed of the paucity of reliable data on the prevalence and forms of FGM that exist in the region, and that it is difficult to reach more isolated communities. Members of the *Programme* indicated that the engagement of religious and community leaders was an important factor in combating the practice. Achievements in Senegal are also showing that efforts must be articulated with local leaders and their communities.

Until now, Governments have been reluctant to address this problem. Of those Governments that acknowledged the existence of such practices on their territory, Female Genital Mutilation (FGM), honour crimes, and child marriages were the three types of traditional practices that were most discussed. In some countries FGM is explicitly dealt with under the Penal Code while the practice of child marriage is addressed under civil law through the existence of a minimum age for marriage. Some States affirmed that general provisions on violence in their penal codes (e.g. assault, murder) can be used to address harmful traditional practices.

Honour killings, FGM, and homophobia can't be condoned because of alleged cultural differences. States have the duty and the pedagogical role to promote social norms that respect the dignity of the child and offer greater possibilities for their positive-development.

Ladies and Gentlemen:

Certainly, no concrete changes are achievable without adequate resources and States bear the primary responsibility to ensure this support. Government should ensure accessible and quality services to prevent and respond to all forms of violence against children and to develop and implement multi-sectoral action plans to end violence against children. Again it is important to recall that only good intentions can't solve the problem, without comprehensive public advocacy focussed on social norms, civil society networks and coordinated public policies - otherwise our strategies to prevent or respond to violence risk being too narrow and episodic to

achieve the changes we all desire. A consistent change is urgent: everyday violence against children silently compromises national development.

Mr. Chair,

Response and prevention to the problem of violence is linked with the identification not only of the various forms of violence (such as those three that I just mentioned) but the consequences of this violence and the risk and protective factors.

Injuries are perhaps the most visible and direct effects of physical violence, the failure to grow and thrive the most obvious direct result of all forms of violence, including neglect and emotional violence. Research also indicates that experiencing victimization as a young child increases the risk of further victimisation later. Research following the life-cycle approach also considers the link between being victim of family violence in childhood and going on later offending behaviour.

Factors such as age, sex and disabilities are surely significant in determining the increasing child vulnerability and will require also targeted actions. Dysfunctional family relationships and poor parent-child interactions are recognized as a central aspect. Although, as mentioned, understanding these internal dynamics and improving the family environment are key factors, large scale and long term changes require complements through strategies addressing the community and societal levels. As every form of violence, violence in the home is also influenced by the lack of access to basic public services, by poverty, unemployment, by poor legal enforcement and lack of access to justice.

The multiplicity of factors to be targeted make the task of preventing violence complex, but lessons learned indicate many ways to achieve it. An expert consultation held by the study and coordinated by my colleagues from WHO highlighted the importance of a systematic approach built upon three major components: a strong legal framework, implementation of prevention mechanisms and appropriate responses to violence. Legal frameworks not only set the foundation of all initiatives but contribute to social and cultural change. Prevention strategies should combine the reduction of risk factors and the enhancement of protective ones. Finally, efficient responses mean ensuring detection of violence, investigation, support services and treatment for victims and families.

Governments in the North American region have some important examples both of legal improvements, preventive and response strategies. In their response to the questionnaire the US government expressed awareness of the cycle of violence that could be a consequence of family violence, stating that it is important to recognize the research evidence that the child victim is at a heightened risk for early onset of delinquency, involvement in serious and violent delinquency, and subsequent involvement in adult criminality. The Centers for Disease Control, CDC in the USA has outstanding experience researching risk factors that influence violence against children.

Also through the questionnaire response, Canada informed that a number of programmes and studies have been carried out here on domestic/family violence including an early intervention programme for child witnesses of domestic violence and a Family Violence Initiative. Unlike most responses analysed up till now, Canada's response demonstrated a strong

commitment to the eradication of FGM that is carried through in its legislation and the actions of the Government. I also learned that here in Alberta an ongoing training on aspects of the Child, youth and Family Enhancement Act and the Protection against Family Violence Act is considered a critical component to ensuring that children are safe, well cared for and protected.

Ladies and Gentlemen:

The UN Study on Violence against Children was conceived not only to gather information, breaking down the walls of silence that frequently surround this problem, but also to build feasible recommendations on how to address and prevent the occurrence of violence against children based on experiences in different areas of the world. For us, breaking the silence does not mean merely compiling shocking stories, but requires continuous efforts to understand the root causes of violence, the factors that allow it to occur frequently and, most importantly, the effective ways to adequately prevent and respond to this violence, where it occurs. It is certainly a challenge to promote feasible recommendations at the global level, but as I said, the immense effort of the consultations, the public submissions and the government responses to the study questionnaire are suggesting some core commonalities and recommendations.

The Study can't avoid following the strong and clear position of the international community working with child rights including the three UN agencies that compose our coordinating body (OHCHR, UNICEF, WHO) and the Committee on the Rights of the Child, recommending that all forms of violence must be explicitly prohibited. This includes an explicit ban of physical and humiliating punishment, of all forms of discrimination and harmful practices.

It is also clear that violence against children can only be ended when its scale and scope will be revealed. In various countries inadequate or the total absence of basic data on child birth and mortality makes too many victims of violence absolutely invisible. We hope that the reflection promoted by the study is already encouraging improvements in monitoring systems. States should invest in both universal and targeted programs based on scientific evidence of their effectiveness. The impact of all economic and social policies on children also must be evaluated.

There are strong suggestions that parent education and family support must build on existing strengths and competencies and be consistently based in the culture and community. Without this understanding many programs risk having limited or sometimes even negative impact on the societal and community behaviour. Similarly, all forms of response to child violence addressing the child need to fully respect their dignity, their rights and their specific developmental needs. Health care, justice system and other structures that might deal with the child must be prepared for the specific needs that a child will have at every stage of his or her development.

Mr. Chair:

I am sure that this congress will bring important examples of concrete strategies related to these recommendations and will allow us to evaluate some of its advantages and problems. What are the positive examples of legal reforms? How to assure screening and early detection methods in the various environments where children can be? What are the successful cases of intervention in the families and for what reasons? How to better intervene at the individual level targeting the

child or their parents? When strategies of removal of children from families can have damaging effects and when are they necessary? Considering the rich experience of this audience I am sure that most of those questions are going to be addressed with rich examples and I really hope to learn from the outcomes of these discussions. As the regional consultations, gatherings like this are crucial for the improvement of our practices and the exchange of the lessons we learned.

At every consultation we counted on the important presence of children and I had the pleasure to have separate meetings with young delegates from every part of the world. During every consultation children dared to ask the most difficult and important questions. Many have said “it was a good opportunity to participate in this meeting, but now we need to do something about what was discussed here” Children can’t wait to become adults to see their rights respected. As the slogan of one of our consultation timely said, “we need to act now”.

I very much look forward to delivering the final Study Report to the United Nations Secretary General at this time next year (2006), and I hope to see gatherings like this one capitalise on the momentum of this international opportunity that the Study brings.

Thank you.