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

Statement by the

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to the Eastern and Southern African preparatory Consultation for the
United Nations Secretary-General's Study on Violence against Children

Johannesburg, 19 July 2005

Excellencies, colleagues from the United Nations system, representatives from civil society, dear children and young people, colleagues and friends.

The Eastern and Southern African preparatory Consultation on Violence against Children is being held after a series of eight Regional Consultations convened in the context of the United Nations Secretary-General's Study on Violence against Children all over the world between March and July this year. In the last 60 days, I have travelled to Port of Spain, Beijing, Islamabad, Bamako, Buenos Aires, Toronto, Bangkok, Cairo, Bethlehem and Ljubljana to attend meetings similar to this one. These consultations have been facilitated through the support of UNICEF, in coordination with OHCHR, WHO and other partners, including those at national level.

I want to express my appreciation to the Government of South Africa and acknowledge the commitment shown by hosting this meeting and through working hard to ensure that the consultation and its outcome will constitute a meaningful contribution to the Study.

I would also like to warmly thank the Steering Committee and particularly my friend Margie de Monchy, UNICEF Regional Child Protection Advisor for Eastern and Southern African Region, and her colleagues for their efforts in the development of this consultation and promoting the Study in the region.

I must acknowledge that the meeting we are having today was preceded by other gatherings held nationally and also a sub-regional consultation of the Indian Ocean Island Nations held in Madagascar in April this year. I am impressed by the outcome of this sub-regional consultation and I am sure that it, along with outcomes from the various national processes, is going to provide crucial inputs to our meetings here.

The participation of children deserves special mention. It is critical that we hear their voices and their unique point of view about a topic which concerns them. The UNHCR and many other organizations have worked to support the under-18 delegates for this meeting, and we appreciate their efforts. As we have seen in previous consultations, I am very confident that their input will provide us with insight and fresh perspectives in the fight against and

prevention of violence against children because, as a child told me in Ljubljana, children can see things that adults cannot.

The diversity of participants in this meeting will allow a broad dialogue during these three days and thereafter which will be crucial to the development of concrete and sustainable recommendations on how to respond and prevent the complex and disturbing problem of violence against children.

Ladies and Gentlemen,

Even if the vast majority of the world publicly disapproves of violence against children, violence remains all too common. It is present in every country, frequently remaining invisible and cutting across boundaries of culture, education, income and age. At the same time, every society – no matter what the cultural, economic or social background - can and must stop violence against children. It is also clear that in order to respond effectively to violence against children we have to implement economic, social, cultural, civil and political rights in a comprehensive manner and without discrimination on any grounds.

The Convention on the Rights of the Child, which enjoys almost universal acceptance, having been ratified by 192 out of 194 States, is a landmark for the recognition of children's rights, including the right to be protected from all forms of violence. It is complemented by the African Charter on the Rights and Welfare of the Child, which has been ratified by all but five of the States represented here today.

Eastern and Southern African countries have shown progress in responding to and preventing many forms of violence. Some countries in East and Southern Africa have already prohibited the use of corporal punishment in schools. However, it remains widespread within the family and in institutions. A clear and enduring challenge, for instance, is the protected domain within the walls of homes and institutions, where violence is too often tolerated and even protected from a legal point of view.

Many Governments in the region are currently reviewing their children's legislation and/or developing comprehensive new children's codes. Some have initiated reforms of their justice systems by establishing juvenile courts and by raising the frequently very low age of criminal responsibility. Steps

to address other shortcomings in the juvenile justice system such as poor detention conditions, the very long period of pre-trial detention, the harsh sentences imposed on persons below the age of 18 who commit crimes and the inadequate training of law enforcement officials.

Many countries have adopted legislative and policy measures to address the economic exploitation of children, and I am very pleased to note that all but one of the States in the region have ratified ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

These are important developments, but much more must be done. The Study on Violence against Children was conceived to craft practical and implementable recommendations on how to address and prevent the occurrence of all forms of violence against children based on experience in different regions of the world.

As you know, the study will approach the various types of violence against children by concentrating on the different settings where it may occur. These include the home and the family, schools, care and residential institutions,

detention facilities and the administration of justice, the community, and in the context of work.

With regard to the responses to the Government Questionnaire, to date I have received 111 responses, an impressive number. I am thankful to acknowledge that more than 11 countries in the region have responded to the questionnaire. These questionnaires provide detailed and useful information exemplifying legislation and policy frameworks to counter violence against children, and I enthusiastically encourage those remaining governments of the region to submit their response to the questionnaire.

While the questionnaire is aimed at Governments, a separate call for public submissions has been made to encourage others to provide information - including academics, civil society organizations and other experts. I have received almost 200 submissions and more than 2000 additional articles and information. I warmly thank those organisations who have contributed.

Ladies and Gentlemen,

Despite its devastating effects on the development of the child, violence used as a means of discipline remains culturally acceptable. The perception

that families, schools and other institutions have an unquestionable authority to use whatever methods and forms of punishment they choose to discipline their children means that many forms of violence that can take place in those settings go unnoticed and unpunished. Despite the progress made in the field of civil and political rights, democracy has not yet made its way into the family and the schools.

The issue of corporal punishment has come up very strongly at all the previous 8 Regional Consultations and each one has agreed recommendations to ban all corporal punishment, including in the family.

I am convinced of the fundamental importance of this and we hope that States in all regions will move ahead fast. I understand that South Africa has come a long way in prohibiting corporal punishment in its penal system, in schools and other institutions and foster-care. And I have heard that there is a current opportunity to complete law reform in the children's legislation which is now before your Parliament, by removing the defense of "reasonable chastisement" from parents. There is nothing reasonable about hitting children.

It would be a wonderful signal from this region to help the Study process. In Latin and Central America, my own region there are already four states with Bills before their parliaments to prohibit all corporal punishment including in the family. We need to make this a competition among States to be the first to guarantee children their fundamental right to respect for their human dignity and physical integrity.

The letter of the law alone does not change traditional attitudes. There is a need to raise awareness and consistently carry out public education campaigns about the negative consequences of ill-treatment of children, and naturally, to introduce non-violent alternatives. Building a non-violent environment for children requires inter-active cooperation between Government and civil society and active participation of the whole community.

The full realization of the human rights of girls and young women is often threatened by gender-based discrimination and violence. Girls are often more vulnerable to domestic work-related violence, sexual abuse and harmful traditional practices in the family and in the community. If we want to build a safer environment for our children, both Governments and civil

society must take concrete steps to address domestic violence and draw attention to the links between violence against women and child abuse.

Therefore, I invite all Governments of this region to make further efforts to address and condemn violence against children in the context of the family.

Many times what is considered traditional practices lead to discrimination against girls. I would hope that during this consultation we could critically examine violence against girls, including harmful traditional practices which are harmful to the survival, development, health and well-being of girls, such as early or forced marriages and female genital mutilation, as well as persecution of children accused of witchcraft. I hope that the outcome of this consultation will introduce concrete recommendations, inter alia, through legislative reforms and by engaging the whole regional community and civil society.

I am of course aware that in a number of countries in the region, children are suffering from the consequences of armed conflict. There is no doubt that armed conflict is important to the context in which other forms of violence occur. Nevertheless, I am of the view that the study should not duplicate the comprehensive and valuable work done by Ms. Graça Machel, who conducted the groundbreaking United Nations study on children in armed

conflict or other mandate holders, including Mr. Olara Otunnu, Special Representative of the Secretary General for Children and Armed Conflict. But I assure you that the Study will deal with the impact of conflict on the lives of children in this region.

Colleagues and friends,

Any violence a child suffers will have an impact on his or her development and the enjoyment of human rights. Allowing physical and psychological punishment of a child in their homes and in their schools, tolerating discrimination against children infected or/and affected by HIV/AIDS and accepting the use of degrading treatment within state institutions are examples of clear violations of human rights that must be prevented, prohibited and remedied.

Of course, when I am speaking about combating these various forms of violence, I am not only speaking about investigating, prosecuting and punishing perpetrators, but I am also talking about developing broad initiatives to change the hearts and minds of society and prevent violence against children and reduce the incidence of many identifiable risk factors that allow violence to proliferate.

As I said, we are here to learn from each other about what works to counter violence, why it works, and how it works – and to share and apply this knowledge at scale across the global community.

Many of the institutions that are here have extensive experience and have achieved important results already. Based on this work we need to identify what can be done collectively to strengthen those efforts; to identify priorities, pursue opportunities, and to close the gaps.

I praise the involvement of Governments, civil society organizations and young people in promoting an open discussion on this delicate topic and I am confident that this continuous engagement will be a significant contribution to protecting the children of the entire world. We have to learn to listen to children because children can see when adults cannot. The Study on Violence against Children and this consultation are going to be important steps in this direction.

Thank you.