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**United Nations Secretary General' s
Study on Violence Against Children**

Statement by the
Independent Expert, Mr. Paulo Sergio Pinheiro
to the North America Regional Consultation for the
United Nations Secretary-General' s Study on Violence against Children

Toronto, 03 June 2005

Excellencies, colleagues from the United Nations system, representatives from the civil society, ladies, gentlemen and young people.

The North America Regional Consultation on Violence against Children is the fifth regional meeting that is being held by the UN Secretary-General's Study on Violence Against Children between March and July this year. These consultations are being held all over the world and are organized with the support of UNICEF, in coordination with the OHCHR, WHO and other local partners.

Firstly, I must acknowledge the commitment of the Government of Canada in generously hosting this meeting and in intensively collaborating with the study. I am also happy to recognize the commitment to fight violence against children by Canada and the United States of America, demonstrated not only through the governmental engagement, but also by this broad group of participants from NGOs, academic institutions, child welfare organizations, community groups, professional associations, practitioners, faith-based groups, industry, and young people. This diversity will allow a broad and unique dialogue that is crucial to the development of compelling? and

concrete recommendations on how to respond and prevent the complex problem of violence.

I must recognize and thank the personal engagement of Senator Landon Pearson who had a decisive role promoting this meeting. I also thank the collaboration of the Steering Committee, of the Youth Engagement Subcommittee, of the Roundtable Working Groups, and of other partnering organizations who have contributed with resources, expertise and inspiration.

The meaningful participation of children in forums as this one is also very important to understanding the issues from their unique points of view. Many organizations have carefully prepared the youth delegates for this meeting, and we appreciate their efforts. I am happy to know that over 340 young people, including aboriginal children, children with disabilities and children and youth in custody and in care from across North America, have opened their hearts and minds to tell us how violence affects them and what works, and doesn't work, to counter it. Some of these young people are despairing. Some are hopeful. Many of them see adults as the cause of

violence in their lives, yet they have invested their hope in adults to protect them. Their inputs, and those of the youth delegates with us today, will provide us with insight and fresh perspectives in the fight against and prevention of violence against children.

Ladies and Gentlemen:

Even if the vast majority of the world publicly disapproves of violence against children, violence remains too common and yet, too hidden. It is present in every country, frequently invisible and cutting across boundaries of culture, class, education, income, ethnic origin and age. At the same time, every society – no matter the cultural, economic or social background - can and must stop violence against children.

The massive ratification of the Convention on the Rights of the Child by 192 States (out of the 194) is a landmark for recognition of Human Rights at the international level and clearly reflects the commitment of those States to respect and promote the positive development and protection of children. The Convention on the Rights of the Child has had a definite impact on the

situation of children around the world, by enhancing mechanisms for their protection and respecting their best interests.

The North American region has shown great strides in developing many of the most successful practices to respond to and prevent violence in the various settings that it occurs. The pioneering work being done in epidemiology and surveillance is certainly inspiring for other regions in the world and could be adopted and expanded in many more jurisdictions in North America and around the world. Recently the US Supreme Court took a bold step to abolish sentences of capital punishment against children. There are also excellent models of child advocates (ombudspersons) offices that, if installed with best practices, can help to address legal gaps. In Ontario, the Office of the Child Advocate has recently moved toward independent status, which would strengthen its ability to plan and sustain its work. The new Youth Criminal Justice Act in Canada supports promising practices in restorative justice procedures and reducing violence against children in correctional facilities. Professional associations of teachers and lawyers, and hundreds of community groups across the region are pioneering promising practices to prevent and counter violence against children, such as the Urban Peak project in Colorado to support street-involved youth – small

lights across the North American landscape that burn very brightly. I look forward to learning more from you today and through the Study process about.

“Children are not mini human beings with mini human rights. As long as adults continue to regard children as mini-human beings, violence against children will persist”. Every boy and girl, as any human being, must have their rights completely respected to develop with dignity. Any form of violence can only undermine their development.

As you are probably aware, in 2000 and 2001, the Committee on the Rights of the Child devoted two days of general discussion to the theme of violence against children, and as a result of those discussions, recommended that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on violence against children. In February 2003, I had the honour to be appointed to take on this challenging role to lead this global study. A coordinating group formed by the Office of the High Commissioner for Human Rights, UNICEF and WHO was also established to support the endeavour.

The UN Study on Violence against Children was conceived not only to gather information, breaking down the walls of silence that frequently surround the problem of violence against children, but also to build feasible recommendations on how to address and prevent the occurrence of violence against children based on experience in different areas of the world. 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. We can't wait to see violence occurring to act, many successful initiatives have already showed that much violence is absolutely preventable.

As described in the concept paper prepared subsequent to my appointment, the study will approach the various types of violence against children by concentrating on the different settings where it may occur. It will pay special attention to violence in homes and within the family, in the community, in schools, in care and residential institutions, in detention facilities and prisons and in the administration of justice.

The responses to the Questionnaire for Governments prepared especially for the study are an important source of information: to date I have received the impressive number of 97 responses. I am especially thankful to say that both Governments of Canada and USA already answered the questionnaire, with detailed and useful information exemplifying legislation and policy frameworks to counter violence against children.

While the questionnaire is aimed at governments, a separate call for public submissions has been made to encourage experts, civil society organizations and other institutions to provide us with additional information on specific aspects of violence against children. The North American Consultation has already produced an insightful report with regional public submissions. The Global Study Secretariat has extended its call for public submissions, and I urge you to take advantage of this opportunity before 30 June.

Ladies and Gentlemen:

Violence against children is a pervasive problem in North America, and a risk factor that threatens the development of many children. In 2001, the United States Surgeon General's office identified violence as the greatest

threat to the healthy development of children. Although much has been done, children experience violence in North American homes, schools, and in communities. A culture of violence is pervasive: Violence is glorified in our games, our movies, and our heroes. Children, in large part because of their dependency, are the most vulnerable to that violence.

Children are more often the victims of violence than are adults; and children of physical, sexual, and ethnocultural minority status are more often victimized than are typically developing children of the majority culture. Yet, in both countries, there is more documentation about children as perpetrators of violence than there is of children as victims of violence. The Roundtables addressing violence against aboriginal and Native American children, children with disabilities, and children of ethnocultural minorities, refugee and asylum-seeking children certainly will address opportunities for action to counter these trends.

Despite the agreement about the importance of preventive strategies, until today, the emphasis in the provision of services for children has been reactive. More programs are in place to assist children who have been victimized by violence than to prevent violence exposure. I am sure that the

Roundtable addressing the role of primary prevention will have an important opportunity to identify actions to address this issue, as it grapples with how we can change the culture of violence, or focus on how best to mitigate its impacts on children.

Legal improvements are also relevant. Being federal states, responsibility for children's services and programs in both the U.S. and Canada is divided and sometimes shared between federal and state or provincial/territorial governments. This sometimes has resulted in significant variation among states, and provinces/ territories. For example, in Canada, the maximum age for child protection services varies by jurisdiction, as do legal responsibilities to report abuse and neglect, and in the U.S. there are state differences in the allowance of corporal punishment and in approaches to juvenile justice. For this reason, we look forward to the recommendations from the Roundtables on operating in a federal system, and on formal mechanisms for child advocacy and the models of effective offices for child advocates or ombudspersons, in the hope that more of these offices can be built and strengthened at state/provincial and federal levels.

Violence caused to a child will reflect in the development of this human being with consequences to that child and the society as a whole. Allowing physical and psychological chastisement of a child in their home and in our schools under the clouded notion of “reasonable levels” too often results in harm; accepting the illegal detention and deportation of migrant adolescents are some examples of clear violations of human rights that must be combated by all available means.

Of course, when I am speaking about combating the various forms of violence, I am not speaking about merely criminalizing eventual perpetrators, but I am talking about developing initiatives to change the hearts and minds of society and prevent those events to happen. For example, it is important to promote ways to deal with child discipline excluding physical chastisement. It is also crucial to develop comprehensive strategies to tackle the root causes that may be associated with violence such as discriminative patterns and economic deprivation.

In all countries of the world it is difficult to discuss the sensitive and emotional issues of violence against children. The preparation of a truly global picture of violence against children which seeks to propose effective

and clear recommendations requires the support and active participation of a vast number of networks, especially those working in the field, directly with children, and children themselves. It is also essential to establish solid links with key actors for change, who can follow up the recommendations of the report.

To have such a representative group from the North American region is a very impressive achievement. 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 will eventually share and amplify this knowledge within the global community. We need to identify what we can do, collectively, to strengthen our efforts to reduce violence against children in North America; to create action priorities to guide our work and to collectively identify and pursue important gaps and opportunities.

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 in the development of concrete and successful responses to violence will be a significant contribution to protecting the children of the entire world. The study on

violence against children and this consultation are going to be important steps in this direction. We have a full day of work ahead of us: let us learn from each other with open minds and consider our common goal to build a stronger protective environment for children across our region.

Thank you.