

NATIONS UNIES



UNITED NATIONS

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

Statement by the
Independent Expert, Mr. Paulo Sérgio Pinheiro
to the Europe and Central Asia Regional Consultation for the
United Nations Secretary-General's Study on Violence against Children

(Final Revised)

Ljubljana, 05 July 2005

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

The Europe and Central Asia Regional Consultation on Violence against Children is the eight regional meeting convened in the context of 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 have been organized with the support of UNICEF, in coordination with the OHCHR, WHO and other local partners.

Firstly, I must express my sincere thanks to the Government of Slovenia and acknowledge the firm commitment it has shown by generously hosting this meeting and through working so hard to ensure the consultation and its outcome will constitute a meaningful contribution to the Study.

I would also like to warmly thank the Steering Committee for their tireless efforts in leading the development of this consultation and promoting the Study in the region.

As part of the Steering Committee and a key partner, the Council of Europe has played a crucial role in the organisation and support of this consultation and has been active in this context over the past year. I am especially grateful to Ms Maud de Boer-Buquicchio, Deputy Secretary-General of the Council of Europe who has been personally deeply supportive of the Study and this consultation.

I also acknowledge the Deputy-Executive Director of UNICEF, and my dear friend, Ms. Rima Salah, whose commitment to the promotion of child rights all over the world, and specific focus on the elimination of violence against children is an example for all of us. Her support to the study has been critical for the fulfillment of our hopes for better protection of children.

The participation of children must also be highlighted. I believe that it is absolutely clear that we adults need to their voices and unique point of view – because, as they have already told me here, “children and young people see things that adults can not”. Save the Children with many other organizations have worked with the young delegates for this meeting, and we appreciate very much their efforts. The inputs of the young delegates

with us today, will provide us with new insights and fresh perspectives essential to more effective prevention and responses.

I recognize the commitment that exists in the entire region to prevent violence against children clearly demonstrated by the high-level representation in delegations present today, and also by the broad participation of NGOs, national human rights institutions, academic institutions, young people, child welfare organizations, community groups and others. This diversity provides the foundation for an informed dialogue during these three days and thereafter which is essential for the development of concrete and sustainable recommendations on how to prevent the complex and disturbing problem of violence against children, and to respond to it where it already exists.

Ladies and Gentlemen

Even if the vast majority of the world publicly disapproves of violence against children, violence remains 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 can and

must stop violence against children. It is clear that in order to effectively respond 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 and other human rights treaties has had a significant, positive impact on the situation of children around the world. The Convention, which enjoys almost universal acceptance, having been ratified by 192 States, including ALL States represented here today, is a landmark international human rights treaty which creates legal obligations for governments to respect, protect, and fulfil the whole spectrum of children's rights, including the right to be protected from all forms of violence. Despite its wide acceptance, there is a gap in its implementation, and much more has to be done at the national level to comply with obligations of States parties to the Convention.

However, much progress has been made in the countries of Europe and Central Asia in implementing the Convention, including with respect to measures to eliminate violence against children. For example, some of the most active ombudspersons for children rights have been established in the

region and there has been much positive experience of independent monitoring. In its consideration of the reports of States parties from this region, the Committee on the Rights of the Children has drawn attention to many good practices, including programs of cooperation on child trafficking sexual exploitation. Reforms of the legal framework regarding criminal responsibilities of those under 18 years, so as to comply with the requirements of the Convention have also been noted. The many efforts to understand and strategies to address violence in school settings, including bullying, frequently undertaken with the active participation of children have also been highlight.

These are important developments, but much more must be done. Indeed, it is the extent and seriousness of violence experienced by children around the world and the need for urgent measures to confront violence that prompted the Secretary-General to conduct an in-depth international study on violence against children with the support of the Office of the High Commissioner for Human Rights, UNICEF and WHO.

The UN Secretary General' sStudy on Violence against Children is designed to gather information and break down the walls of silence that surround the

problem of violence against children, and also 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. 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 and, most importantly, to find effective ways to adequately prevent and respond to this violence, when it occurs.

My approach to the various types of violence against children will be concentrated on the different settings where occurs. These are the home and the family, the community, schools, care and residential institutions, detention facilities and prisons and the administration of justice, and in work situations. Throughout my work, I have relied on a wide range of sources, including material from this regional consultation, responses to Government questionnaires prepared especially for the Study, as well as inputs from civil society, professional associations and children.

With regard to the responses to the Government Questionnaire, to date I have received 106 responses, with 36 being from countries from Europe and

Central Asia. These responses provided detailed, useful information legislation, policy frameworks and programs to counter violence against children which are key inputs for the final global study report.

I have also called on experts, civil society organisations and other stakeholders to submit additional information on specific aspects of violence against children, and I urge all of you to provide me with information on this topic.

Ladies and Gentlemen,

Legal and social acceptance of violence against children is still a disturbing reality in many States. How can we be serious about children's rights and child protection when state laws continue to authorize violence disguised as discipline, described in some states' laws as "reasonable" punishment. How can hitting children be "reasonable"? We should all be ashamed that many States grant children less legal protection from physical violence than adults.

In Europe, thanks to the strong regional human rights mechanisms, you have already made great progress and I understand that in at least 16 of the 46

member-states of the Council of Europe, children enjoy the same protection as adults under criminal laws on assault and there are explicit bans on corporal punishment. Other European states have committed themselves to law reform in their responses to the questionnaire. Some states represented here have shown that a combination of clear and explicit law reform and comprehensive public education can change attitudes and lead to proper respect for children's rights

At all the regional consultations, there have been strong calls coming from both under 18 and adult participants for a ban on all corporal punishment, including in the family. There was a common outcry by hundreds of children in all the previous consultations : “parents, teachers, police must stop beating us!” Wherever this topic is discussed, I have been pleased to be able to quote Ms. Maud De Boer-Buquicchio, and I take the liberty of quoting her again today: “*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 persist¹”*.

¹ de Boer-Buquicchio, Maud, Lecture: “*Justice For Europe's Children*”, Council of Europe, December 2003.

In addition to corporal punishment, all regional consultations have raised issues related to children in conflict with the law - precisely the group that according to the international standards should be the object of special assistance and attention in order to promote their recovery and social reintegration. These children are among the most vulnerable groups to the worst forms of violence. The Committee on the Rights of the Child has expressed concern with regard to the high number of allegations of children being ill-treated and tortured by law enforcement officials; the frequently long pre-trial detentions and the inadequate conditions in which these children are detained. In many countries in the world the guarantee of the rule of law has not yet been extended to juvenile offenders. Children are not supposed to be behind bars – anywhere, anytime.

Colleagues and friends,

Any violence a child suffers will have an impact on his or her development and the enjoyment of human rights. Physical and psychological punishment of a child in their homes and in their schools, or in institutions that are supposed to care for them, are clear violations of human rights that must be prevented, prohibited and remedied. Of course, when I speak of 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 make violence so frequent.

The sensitive and emotional issues of violence against children are difficult to discuss in all parts of the world, but tradition and culture cannot be a disguise for discrimination! The preparation of a truly global picture which seeks to propose effective and clear recommendations requires the support and active participation of a vast and diverse number of stakeholders, and I am delighted to see that we have broad participation at this consultation. We are here to learn from each other about what works to counter violence, why it works, and how it works – and then eventually share and amplify this knowledge within the global community. Many of you here today have a considerable experience and have achieved important results. Based on this work we need to identify what can be done collectively to strengthen those efforts; to identify gaps and priorities for action to guide our work.

I praise the involvement of Governments, civil society organizations and young people in promoting an open debate on this delicate topic and I am confident that this continuous engagement will be a significant contribution to protecting the world's children from violence. We must ensure that the ideas we share here are translated into concrete initiatives which are relevant for the short, medium and long term. We must acknowledge that there is no excuse for inaction. Children are tired of words and declarations without implementation. To underline the message of this consultation, we must *Stop violence against children, act now!* Children cannot wait anymore.

Thank you.