

United Nations Study on Violence against Children

Statement by the
Independent Expert, Mr Paulo Sergio Pinheiro,
to the Sixtieth Session
of the Commission on Human Rights

5 April 2004

Chairperson, Excellencies, distinguished delegates, colleagues and friends from the United Nations system and non-governmental organizations,

I am honoured to address the sixtieth session of the Commission on Human Rights in my capacity as the independent expert leading the Secretary-General's study on violence against children.

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. The Committee stressed that the study should be as thorough and influential as the 1996 United Nations study on the impact of armed conflict on children which had been led by Ms. Graça Machel, and should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration. In 2001, the General Assembly decided to request the Secretary-General to conduct an in-depth study on the question of violence against children, and in 2002, this Commission suggested that he appoint an independent expert to direct the study in collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization. The General Assembly reaffirmed this request, and I had the honour to be appointed by the Secretary-General to direct the study.

Since my appointment, I have engaged in a number of activities relating to the study, including during the fifty-ninth session of this Commission. I have developed a concept paper which has been provided to the Commission in the annex to my progress report on the study contained in E/CN.4/2004/68. This paper outlines the objectives and scope of the study, and the strategy that I intend to pursue in its execution.

My intention is to provide an in-depth global picture of violence against children, documenting the magnitude, incidence and consequences of various types of

violence against children, and to focus on providing clear recommendations for the improvement of legislation, policy and programmes to prevent and respond to violence against children. I will highlight best practices for prevention and response, in particular those designed by children. Throughout the study, I will be guided by international human rights treaties, especially the Convention on the Rights of the Child, the jurisprudence of its Committee and other human rights treaty bodies, adopting the definition of the child contained in article 1 of the Convention. I will also take into account the recommendations of the relevant special procedures of this Commission and the Sub-Commission.

The focus of the study will be on children as victims of violence, although some attention will be paid to children as perpetrators of violence against other children. I will seek to provide an understanding of the nature, extent, causes and consequences of different forms of violence against children, emphasizing the settings in which violence takes place. Special attention will be paid to violence against children in the family, the community, including schools, care and residential institutions, detention facilities and prisons and in the administration of justice. As the Machel study fully addressed the situation of children in armed conflict, this will not be included in my study, although some related issues, such as violence against child asylum-seekers will be included. The study will pay particular attention to the impact of discrimination on the patterns of violence against children, and will take account of the vulnerability of specific groups of children to violence, while gender analysis will be a critical element of the study.

In conducting the study, I will seek to provoke comprehensive national reviews of the issue of violence against children in as many States as possible, which should take into account prevalence, legal frameworks, child protection systems, statistics, and recording of data and initiatives to protect children and prevent violence against them that have proven to be effective. In August 2003, I chaired an expert group meeting which developed a questionnaire for Governments designed to obtain information for the study. Responses to this questionnaire, which was circulated recently, will be critical in providing a country-by-country picture of violence against children, and I urge Governments to respond to the questionnaire. In particular, I encourage them to provide examples of good practices and innovative approaches to

violence against children so that positive experiences can be disseminated and shared. Any obstacles encountered should also be documented.

Mr. Chairperson, ladies and gentlemen,

The process of preparation of the study should be viewed as an opportunity to increase attention to violence against children at the national, regional and international levels. It should be a catalyst for the mobilization of resources and political will to confront this crucial problem, and stimulate the creation of networks and partnerships directed at the elimination of violence against children. In conducting the study, I will take a collaborative approach, drawing upon the expertise of human rights organs and bodies and regional human rights mechanisms. In this context, my role as rapporteur on children of the Inter-American Commission on Human Rights will strengthen my work as independent expert directing the study, and provide a framework for important linkages between the study and the Organization of American States. I will rely on the expertise and research output of OHCHR, UNICEF and WHO, the three supporting agencies, as well as the wider United Nations system. National human rights institutions, including ombudsmen and commissioners for children are also encouraged to provide information and share their expertise, and efforts will be made to engage parliaments in the study's preparation.

Non-governmental organizations and other parts of civil society have already proven to be key partners. A subgroup on children and violence has been established within the NGO Group for the Convention on the Rights of the Child; an e-mail list serve to facilitate sharing of information has been created; and non-governmental organizations have constituted an advisory panel which has supported my work since my appointment. A number of these have focused on encouraging children to participate in the study in a meaningful and significant way, in particular so that strategies developed by children themselves to confront violence can be highlighted in the study. One of these, Save the Children, has published a toolkit on supporting children's meaningful and ethical participation in the study, and has conducted training courses for children and adults on child participation.

Regional, subregional and national consultations will be an important element in the study process. I attended the UNICEF Latin American and Caribbean Countries Regional Meeting which was held in Buenos Aires from 29 to 2 April 2004 where participants decided that each country office would collect information relevant for the study and a regional consultation to feed into the study would take place in the first quarter of 2005. Preparations for regional consultations for the European and Asian regions are also underway.

Mr. Chairperson, ladies and gentlemen,

As the lead United Nations bodies identified by the General Assembly and this Commission to support the study, the OHCHR, UNICEF and WHO have agreed that a small secretariat, headed by a director, would be established in Geneva to support my work. Ms. Amaya Gillespie took up the post of director several weeks ago, and the process of recruitment of other staff has begun. No provision has been made in the regular budget of the United Nations with respect to the study, accordingly, the secretariat and all other aspects of the study will be financed through voluntary contributions. I would urge this Commission to call on all States to provide resources for the study, so that it can live up to its promise and serve as a dynamic force for change with respect to the disturbing problem of violence against children.

Thank you.