



**STATEMENT BY THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL
ON VIOLENCE AGAINST CHILDREN**

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Expert Consultation

Addressing Harmful Practices against Children

*With a specific focus on the interplay between children's right to protection
from all forms of violence and customary and religious laws*

Addis Ababa,
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Distinguished participants,

Dear friends,

I would like to wish you a warm welcome and thank you for joining us in this very important expert consultation.

I would also like to extend my gratitude to the co-organizers of this meeting. In the planning phase of this meeting we received substantive support from several key partners of my mandate, including the African Committee of Experts on the Rights and Welfare of the Child, The Committee on the Rights of the Child, UNICEF, OHCHR, the NGO Council on Violence against Children, the African Child Policy Forum and Plan International. Plan has also provided us with organizational support, which includes funding for this consultation and hosting us in this beautiful place.

We are gathered here to discuss an area of critical relevance for the protection of children's rights. Across regions, millions of children have been subject to various forms of harmful practices, including FGM/C, early- and forced marriage, breast ironing, son preference, female infanticide, virginity testing, honour crimes, degrading and harmful initiation rites, forced and bonded labour, the offering of young virgin girls to priests (Trokosi), the "replacement" of a person that has been murdered by another person (child), forced feeding and nutritional taboos, children accused of and sacrificed in witchcraft, abuse related to the use of dowry price, and the list goes on including a great number of less known or emerging harmful practices.

The causes for these practices vary. Some harmful practices such as honour killings and stoning are forms of torture and are often justified by morality or family honour.

In March this year, a 16 year old girl committed suicide by swallowing rat poison after being severely beaten during a forced marriage by her rapist. According to the penal code of the country where she lived, the kidnapper or rapist is allowed to marry the child victim and thereby also escape imprisonment. This practice is justified in order to preserve the honour of the family.

Some practices may not have any clear religious or cultural justifications, such as acid attacks against girls, but be deeply rooted in gender-based discrimination. Other are forms of discriminatory and harmful beliefs towards children with disabilities, albinism, children from a low caste or children who are accused of being witches, and often lead to serious forms of violence.

Several harmful practices are not perceived as violence and do not necessarily intend to harm the child. They may be based on ill perceptions or misconceptions; and yet they may have a serious impact on children's development and citizenship. One example is the binding and putting children in the cradle for an average of 20 hours a day and the practise of Kolak, which involves cutting of the back of 5 – 6 day old children in order to remove "bad blood". Some of these less known practices in early childhood affect both boys and girls and need to be urgently addressed.

In cases such as early- and forced marriage, the causes for the practice are multi-faceted and also include poverty.

Common for most harmful practices is that they have devastating consequences on the child's life, survival, health, education and development.

There is not yet a universally agreed **definition** of harmful practices. They may be traditional or emerging, but generally relate to practices that have some cultural, social or religious underpinning.

Some states have provided definitions through their legislation. For example, in its concluding observations to Sierra Leone in 2008, the CRC Committee noted with appreciation the new Child Rights Act, which explicitly prohibits a number of harmful traditional practices and includes *any other harmful cultural rite, custom or tradition that may inflict physical, psychological or emotional pain on a child or otherwise endanger him or her.*

Some harmful practices against children are closely inter-linked with the age of majority in legislation or practice. The definition of a child in the Convention on the Rights of the Child includes everyone below 18 years of age. However, in countries where different legal systems co-exist, each law may provide a different definition of a child and very often a new stage starts with the attainment of puberty. This has serious consequences for example for the consideration of the minimum age of criminal responsibility.

In one country for example, the law related to criminal responsibility and the attainment of puberty identifies the age of 9 for girls and 15 for boys. Consequently, a 9 year old girl who commits theft could lose four of her fingers as punishment.

Early- and forced marriage is another example where different definitions of a child have posed great challenges. In some rural areas parents arrange their daughters to marry even before the attainment of puberty, in some cases as young as 5 to 7 years old in order to protect their daughters from pre-marital sex or because they live in extreme poverty.

The UN Study on Violence against Children urged states to prohibit by law all forms of violence against children, including harmful practices. This recommendation is a key priority for my mandate.

To advance progress in its implementation, I organized a year ago an expert consultation on law reform, joining hands with the OHCHR, the Inter-Parliamentary Union and the NGO Advisory Council. The meeting resulted in important conclusions and recommendations to ensure the freedom of children from violence in various forms and settings, including harmful practices. I would like to recall the four overarching conclusions from the meeting which will serve as a platform for our own discussions.

First, law reform on violence against children is an essential component of a robust national child protection system. For that reason, it needs to be supported by well-coordinated and well-resourced services and institutions, and pursued through a holistic approach. This involves addressing the root causes of violence; prohibiting and deterring incidents of violence; safeguarding the rights of all children, including those at greater risk; providing redress and reintegration; and fighting impunity. The establishment by law of accessible, child-sensitive and safe counselling, reporting and complaint mechanisms to address incidents of violence is a crucial dimension of this process.

Second, law reform is an on-going process and cannot be reduced to isolated or fragmented actions.

It requires consistent efforts to ensure harmonization with international standards and implement political commitments undertaken in this area; to fill gaps in implementation; and to address emerging concerns. Where deeply rooted social conventions condone the use of violence as a child-rearing practice or a necessary form of discipline, it is critical to promote a sustained process of advocacy, education, law enactment and enforcement, and evaluation.

Third, legislation to protect children from violence is by nature complex and wide-ranging. It requires a comprehensive and explicit legal ban to convey an unequivocal message that children's right to freedom from violence must be safeguarded everywhere and at all times. Through constitutional reform or the introduction of new provisions in family and criminal codes and in child protection and domestic violence legislation, this process is gaining ground in an increasing number of States.

Legal prohibition must also be supported by detailed provisions in specific pieces of legislation, both to address distinct forms of violence and harmful practices, and to tackle violence in specific settings. It is critical that enabling laws and regulations be developed in relevant legal fields to give full meaning to the prohibition and deter incidents of violence, to protect the children concerned, to ensure appropriate support for the process of enforcement and to fight impunity.

These two approaches, comprehensive and specific, are therefore needed and are indeed mutually supportive.

Fourth, law reform initiatives have been particularly successful when promoted through an inclusive and participatory process, with the involvement of key stakeholders including governmental departments, parliamentarians, independent national institutions for children's rights and key actors in civil society, including professional groups, local authorities and religious leaders, as well as young people themselves.

It's worth noting that five billion of the world's six billion people are said to profess a religious belief. Religious leaders are in a unique position to engage with communities to end all forms of harmful practices.

Dear friends

In our consultation, we will have a particular focus on addressing harmful practices in plural legal systems and will build upon important developments and rich experiences across regions, with a particular emphasis on Africa. The discussions will examine the interplay between children's right to protection from all harmful practices, often expressed in national law, and religious and customary laws.

Our meeting brings together experts from different regions for cross-cultural learning and partnerships.

Over the next 2 ½ days, through presentations and plenary discussions, we will share good legislative examples, in which law reform combined with effective enforcement, awareness-raising and social mobilization has given positive results in addressing deeply rooted social conventions and promoting the abandonment of harmful practices against children.

We will identify some of the tensions and challenges that arise in plural legal systems and ways to overcome them.

And by being with a group of experts with such varied backgrounds, we will also learn more about the role of the different actors, including international monitoring bodies, regional human rights mechanisms, parliamentarians, independent national human rights institutions, law enforcement, the judiciary, Para-legal mechanisms, lawyers, religious- and traditional leaders and civil society, including children themselves.

I am confident our meeting will be rich and deeply enriching and it will also reach important outcomes.

Firstly, we are committed to develop a thematic report with concrete recommendations for the law reform process and its effective enforcement and implementation in support of the abandonment of harmful practices.

Secondly, we anticipate that the consultation will provide substantive inputs to the drafting process of the Joint CRC/CEDAW General Comment on harmful practices.

Thirdly, with your support we expect to develop a strategy for follow-up activities in different regions and at international level. This meeting is a critical stage in a long term process of change and there is a unique opportunity to build upon the present strategic momentum.

The issues to be discussed are complex and require cultural- and social sensitive solutions. At community level, one of the lessons learnt from the extensive work to end FGM is that prohibition will be less effective if it's perceived as a directive without dialogue and engagement of communities concerned.

I thank you for your participation and look forward to working with you.

Thank you.