

## Conference *25 years after the CRC: Building Peaceful Environments*

**Marta Santos Pais**

### **Special Representative of the United Nations Secretary-General on Violence against Children**

#### **1. Introduction**

I am delighted to be taking part in the 21<sup>st</sup> Pan American Child Congress. I also feel a deep sense of satisfaction in sharing this significant political forum with so many children who are leaders in the cause of children in the Americas.

When I began my term of office as the Secretary-General's Special Representative five years ago, the first mission I undertook was my intervention at the previous Congress, held in Peru. That provided a strategic opportunity to initiate closer collaboration with OAS member States, international organizations in the region, human rights agencies, the Latin America and Caribbean Chapter of the Global Movement for Childhood, which includes the Inter-American Children's Institute and UNICEF, civil society representatives and children's organizations. Thanks to this strong partnership, children's right to grow free from violence has become one of the mainstays of political agendas in the Americas.

The 21<sup>st</sup> Pan American Congress provides a decisive opportunity to celebrate our achievements, reflect upon the significant challenges that persist and identify lines of action for the defence of child rights and the protection of children from all forms of violence. Very specifically, this Congress is a unique opportunity to ensure that the strong commitment expressed by the States in the region in favour of child rights is clearly reflected in a strategic agenda for action in the Americas over the course of the next five years.

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This year, 2014, has been a very special year for the realization of child rights. We are commemorating the 25<sup>th</sup> anniversary of the Convention on the Rights of the Child and the 5<sup>th</sup> anniversary of the adoption of the United Nations Guidelines for the Alternative Care of Children. It is also an historic occasion, in view of the fact that the international community is currently designing its new development agenda; an agenda that aspires to create fair and inclusive societies in all the nations of the world, where children can grow in an environment free from violence, develop their skills and abilities to the full, respected as citizens with full rights and welcomed as active partners in the process of social progress. This is, in fact, the vision of the Convention on the Rights of the Child. And this significant anniversary provides us with the opportunity **to promote more than a symbolic celebration**: a decisive change in our actions to accelerate progress and ensure that the principles and stipulations of the Convention make themselves felt in the daily lives of children in every corner of the Americas.

Because of this, I should like to express my acknowledgement to the member States of the OAS, for choosing **the prevention and elimination of all forms of violence against children as the key topic of this regional forum**. In addition, I wish to call upon the member States at this Pan American Congress in order to ensure that **the protection of children against all forms of violence continues to be considered a clear priority in the design of the new regional agenda for children**.

As we know, violence not only jeopardizes the enjoyment of child rights, but also threatens the progress of our societies. A significant lesson learned in the process of implementing the millennium goals is that the countries affected by violence are those that show **the highest rates of poverty, child mortality and malnutrition, and they are also the countries where there are most children out of school**. Violence and deprivation are the parameters that **define the daily lives of millions of children**, and very often persist through

several generations. But **violence also has an extremely high cost for countries. As a recent study shows**, worldwide, violence against children amounts to over 4% of the gross domestic product.

Because of all this, it is essential to stress that **violence is not inevitable and can be prevented. Just as violence generates expenditure, prevention leads to savings**. With a strong political will, a strategic agenda, decisive action and investment in prevention, the Americas can give their children the opportunity to grow in a happy and safe environment, free from all forms of violence; an environment in which all, without exception, can develop their full potential.

## **2. Global strategy for the prevention of and response to violence**

**In recent years, significant progress has been made** in preventing and eliminating all forms of violence against children. **The World Report** on Violence against Children and the creation by the United Nations General Assembly of **my own mandate** as the Special Representative of the Secretary-General on Violence Against children, are undoubtedly evidence of deep concern about and strong support of the fight against this violation of child rights.

They have also given rise to a pivotal process of implementation, which has been launched internationally, regionally and nationally, thus confirming the importance and urgency of our agenda.

### **A) Internationally, the regulatory framework for the protection of children against violence has been visibly consolidated.**

Thanks to strong political mobilization, we are closer to the **universal ratification of the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography**,

which is currently in force in 169 States. **The Americas are very close to becoming the first region in the world where the Protocol has achieved full applicability** and can become a reality for all children. I am convinced that all Congress participants will help us achieve this significant objective in the very near future.

In 2011, the international community adopted the Third Optional Protocol on a Communications Procedure, thus creating a mechanism to react against violations of child rights. The protocol has been actively promoted by the countries in the Americas and is being ratified by countries in every region of the world. In this continent, it is already in force in Bolivia and Costa Rica, and with the recent conclusion of their constitutional stages, we anticipate that the instruments of ratification from Argentina and El Salvador will shortly be deposited. We hope that reflections this week here in Brazil will help us increase the number of States Party and promote the Protocol's effective implementation in the region.

In addition, the **protection of children against violence, abuse and child exploitation has been consolidated** with the entry into force of the International Labour Organization's convention on domestic workers, with the approval of a comprehensive action plan against trafficking in persons and, very recently, with the adoption of the Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.

The international regulatory framework is solid. **Over the next few years, we should reduce the gap between regulations and implementation.**

B) Secondly, we are witnessing the **mainstreaming of the actions of regional organizations and institutions** with a view to preventing and eliminating violence against children.

This continues to be a fundamental dimension of my mandate and it has **led to the development of platforms for political discussion and experience sharing** and the support of national processes of change.

**Since 2009, we have established and strengthened close collaboration links with the OAS**, particularly in relation to the mandate of the Inter-American Commission on Human Rights and the Inter-American Children's Institute. We have bolstered institutional cooperation with **MERCOSUR, CARICOM and SICA** and maintained strategic cooperation with the **Latin America and Caribbean Chapter of the Global Movement for Children (GMC-LAC)**, which constitutes a broad-based coalition of over 3000 civil society organizations.

**Thanks to this strong partnership, three regional surveys on violence against children have been organized**, respectively in Paraguay (2011), the Dominican Republic (2011) and Jamaica (2012). Even more importantly, child protection against violence has been included on the agendas of regional organizations, with the formal undertaking of **political commitments, the development of declarations and child-friendly material, and the performance of regional analysis and monitoring studies**, which constitute a reference for the promotion and evaluation of progress in building a region free from violence.

**These are developments that we should acknowledge and celebrate. However, it is imperative to consolidate and strengthen our action even further.**

**C) In order to maximize the success of our efforts, it is essential for regional processes to become a reality by means of specific actions within countries.**

There are essential interventions that it is necessary to continue to promote as we move forward. It is particularly important for every country to adopt a public policy agenda for the prevention and elimination of violence, to adjust national

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legislation to international standards in order to prohibit all manifestations of violence against children, and to consolidate data and research in order to break down the invisibility of violence. It is also vital to invest systematically in **the generation of a social transformation process** which will make it possible to do away with the acceptance of violence against children and mobilize support for the effective protection of children against this scourge. The numerous official visits I have made to different countries in the region over the last five years are in keeping with this line.

Distinguished Representatives,

These actions can empower the wide-ranging information and awareness campaigns that have already been launched in order to destroy the conspiracy of silence surrounding cases of violence against children and give the issue priority in public debate and the political agenda of each country. Similarly, they can reinforce significant legal reforms and action plans for the prevention and elimination of violence. In some countries the mainstreaming needed is being strengthened in order to initiate effective implementation, by means of National Childhood Councils, care networks and local and departmental committees. In some cases, the establishment of a Children's Ombudsman's Office has also been promoted; a department accessible to all children and with the necessary authority to receive and process reports on violations of rights.

**3. These findings are an important reference for the future! However, the changes that have taken place are still too slow and fragmented to change the magnitude and grim impact of violence on the lives of children.**

The scale of this scourge is unquestionable and there are recent figures that provide an undeniable illustration of it. A child dies every five minutes as a result of violence, often before the age of six. Three hundred million children under the age of five are exposed to violence in their communities. Child smuggling continues to increase in the world; in the Americas, over 30% of the victims of trafficking are children. In the world, one trillion children between the ages of

two and fourteen suffer from physical and humiliating punishment in their homes. Most children in institutions are there for reasons related to violent situations. Murder rates have very young faces: in fact, 8% of the victims are under fifteen and 50% are between fifteen and thirty years old. These figures are particularly high in Latin America and the Caribbean.

As shown in the *Global Survey on Violence against Children, “A World Without Violence against Children,”* published by my office last year, violence against children is present in all contexts of children’s lives.

As intentional or indirect victims, or as witnesses, children suffer from violence frequently and increasingly, in their communities, schools, alternative care institutions, in the privacy of their families or in the virtual world.

Humiliation, physical aggression, sexual abuse, bullying and cyberbullying, and also, in many cases, extortion, enforced disappearance and murder are part of the daily life of children, cause insecurity in families and communities and dramatically jeopardize the sustainable development of countries.

In the region of the Americas, child protection against violence faces specific challenges associated with high levels of inequality and social exclusion, lack of opportunities and citizen insecurity, made worse by the use of weapons, organized crime and gangs. The convergence of these factors hinders national child protection systems from providing efficient responses. For children, this social marginalization, exacerbated by multiple weaknesses, constitutes the harshest form of violence, **violence that is structural and institutionalized.**

For children from the poorest sectors and regions where gangs exert a strong influence, the risk of stigmatization as criminal offenders makes their vulnerability worse, and in some cases, leads to the risk of criminalization. At the same time, it has been observed that few violent events against children are reported, owing to the fear of reprisals and a perception of the prevalence of

impunity. In some countries in the region, fewer than 10% of crimes lead to convictions. **This explains why for many children in this region, life is defined by two words: fear and pain!**

Distinguished participants,

**This reality cannot be evaded, but it can be changed.** With the firm commitment of all of the countries represented here to aim for peace, freedom, democracy and development, this region can become an area which is genuinely free from violence.

#### **4. The anniversary of the Convention cannot be limited to a merely symbolic celebration.**

For the anniversary of the Convention on the Rights of the Child not to be a purely symbolic celebration, child rights must be safeguarded and become a real experience for all children. In order to achieve this, certain actions become emblematically significant. Please allow me to underline some of them.

**a) Above all, it is essential to move forward and to consolidate legal reform, the development of public policies and institutional coordination and implementation** in order to prevent violence and ensure the effective protection of children.

In the Americas, there is a growing number of countries with legislation that explicitly prohibits all forms of violence against children in all environments, even in the home. Eight countries have taken steps in this direction: Argentina, Bolivia, Brazil, Costa Rica, Honduras, Nicaragua, Uruguay and Venezuela, thus making a decisive contribution to ensuring that 10% of the world's child population benefits from clear legal protection. Other States have been working towards the same objective and many others have introduced legal reforms to prevent and eliminate specific forms of violence, including bullying in schools (e.g. Belize, Chile, Paraguay and Peru), or child protection from the use of the new information and communications technologies (e.g. Costa Rica, Argentina).



**There is a pressing need to broaden and implement effectively the necessary legal reforms to fight against child violence.**

In addition, recent years have seen the adoption of **significant national agendas for the prevention and elimination of violence**. The Brazil Protects strategy, the Peruvian Action Plan for Children, PNAIA (2012–2021), the United States of America’s Action Plan on Children in Adversity, the Roadmap recently adopted in the Dominican Republic, the creation in Paraguay of the National Prevention and Care Commission to Address Violence against Children (2013) and the Government of Canada’s recent decision to prioritize the elimination of violence against children in its international cooperation policy are all significant examples of this process. **However, it is essential to remember that the success of these measures will depend on initiating a process that will ensure their effective implementation and positive impact on the lives of the children themselves, particularly the most disadvantaged.**

**b) Secondly, it should be acknowledged that building societies free from violence and achieving social cohesion demand investment in rights and child protection in order to ensure a nation’s well-being and sustainable development.**

By promoting human rights, the rule of law and social inclusion, it is possible to prevent the structural factors that nourish inequality, citizen insecurity and the high levels of violence that affect communities and households.

Violence cuts across geographic, cultural, social and economic boundaries and persists, likewise, in contexts where children should be able to feel safe: in care and judicial-related institutions, at school and even within their homes.

Violence has a major and profound impact on its victims and a huge cost for society, hindering social investment and economic development and eroding a country’s human and social capital. **Violence can very quickly destroy the**

**social and economic achievements that have taken years and even decades to build up.**

**c) Because of this, and this is my third recommendation, it is essential to make investing in preventive action a clear priority.**

In many countries in the region, the fact that social public expenditure is lower than expenditure allocated to security provides a significant indicator. But this pattern can be modified. **And an early start can be made by ensuring priority care for early childhood in order to reduce inequity and give every child the opportunity to fully develop his or her skills and abilities.**

As neuroscience has shown, investment in preventing violence in early childhood by means of positive parenting, universal social protection systems and early childhood programmes strengthens a country's social development and contributes to reducing future costs, including in mental health, rates of criminal offences and levels of insecurity. **Child development in the first years of life is key to a society's prosperous and sustainable development.**

**d) Because of this, I should also like to call upon OAS member States to include in their childhood agendas for the next five years, a priority focus on child protection from violence in alternative care systems.**

This appeal is the result of a collective participation process promoted by the expert consultation held at the beginning of this week with the collaboration of the Government of Brazil, the Inter-American Commission on Human Rights, the Latin America and Caribbean Chapter of the Global Movement for Children, the IIN, representatives of the States in this great region and my own Office. It will make it possible to ensure a priority focus on the implementation of the United Nations Guidelines for the Alternative Care of Children, safeguarding children's right to grow in a family environment free from violence, establishing specific goals and indicators to monitor developments and challenges, and

reinforcing strategic action to end the institutionalization of children under the age of three in the Americas.

**e) Fourthly, it is important to remember that the juvenile justice system plays an essential role in the realization of child rights, most particularly in the protection of children against violence.**

The basic dimensions of this process include preventing and investigating all acts of violence, ensuring the presence of a friendly and effective judicial system for child victims, witnesses or offenders, eliminating impunity, and providing assistance to victims, including the prevention of revictimization.

There is still much to be done in this area. Deprivation of liberty for children continues to be used as an alternative in the face of the lack of a national care and protection system. Detention is increasingly less often considered a measure of last resort and opportunities to promote alternative measures and a restorative justice system appear to fade away and are rarely used. In addition, children suffer from violence while in the custody of the police and security forces, in preventive prison centres and while serving their sentences, or as a form of criminal punishment.

We note with concern the emergence of a trend that promotes the reform of juvenile justice systems as a result of social pressure and social communications, with proposals to treat child offenders as adults, lower the age of criminal liability and establish progressively longer deprivation of liberty sentences.

**This year, when we are celebrating the 25<sup>th</sup> anniversary of the Convention on the Rights of the Child, it is essential to ensure that juvenile justice system reforms are fully informed by the stipulations of this treaty.**

Dear Friends,

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**I should like to conclude my intervention by recalling that the success of our purpose is closely linked to our determination and ability to take the concerns and recommendations of the children themselves seriously.**

Their vision of the future is especially significant in the context of drafting the regional agenda for the Americas, which this Congress intends to promote. It could strategically influence the global post-2015 development agenda.

Over 800 000 children have taken part in this significant agenda-building process and their message has been persistent, clear and unequivocal: **“violence decisively and overwhelmingly jeopardizes children’s development and rights and urgently needs to be eliminated”!**

The appeal issued by these children, widely shared by OAS member States and millions of people throughout the world, constitutes a pivotal source of inspiration for our efforts.

It is imperative to include the elimination of violence against children as a clear priority and a cross-cutting concern in future sustainable development objectives. This recognition will lead to an unprecedented mobilization of efforts and resources, helping to put an end to the torment of millions of children all over the world and establishing the foundations for a more respectful, peaceful and fair society.

**With the new global development agenda, we have in our hands a unique opportunity to fulfil the promise that the world made to children when it adopted the Convention on the Rights of the Child, 25 years ago.**

Distinguished representatives, dear friends,

The tasks we are facing are multiple and diverse, but the opportunity to influence and anticipate necessary change is immense. The cost of inaction can no longer be tolerated!

The prevention and elimination of violence against children demand continuing efforts on an unprecedented scale; efforts that demand the participation of political leaders and common citizens, of enterprises and professional associations, of the civil society and United Nations agencies. In these efforts, children need to play an active part. The appeal the children have made requires that we should join efforts to build together a world tailored to their dreams. I have every confidence that you will all support us in this process. Thank you!

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