

COMMISSIONER
FOR HUMAN RIGHTS

LE COMMISSAIRE
AUX DROITS DE L'HOMME



Launching Conference of the Programme:

“Building a Europe for and with children”

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The time has come to move from rhetoric to enforcement. Violence against children must be stopped. It just is not acceptable that children are beaten and battered by adults, very often by those whom they trust most. Neither can we tolerate that children are exploited in pornography or subjected to physical sexual abuse.

The international and European norms are very clear. The Convention on the Rights of the Child -- ratified by all members of the Council of Europe -- says that states “*should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child...*”.

The sad fact is that this important provision is still not fully implemented. That makes campaigns such as the one reuniting us here today a necessity. It is essential to raise awareness about the negative effects of corporal punishment and to encourage the development of positive, non-violent child-rearing and educational practices.

The issue of corporal punishment is clearly a sensitive one and, at the same time, a very personal issue. Most adults, most of us, were hit as children. Politicians find it an unpopular issue; it is easier to focus only on extreme forms of violence to children and on violence by children. Also, many politicians are particularly wary of interference in the traditionally ‘private’ family arena.

However, we cannot hide behind the right to privacy to justify corporal punishments. Concerns for the child welfare cannot stop at the front door of the child’s home or school. All children have the right to be educated in an environment free of violence.

The end of corporal punishment further requires a legal abolition. In Europe, several countries have explicitly banned such practices in law, in other, supreme courts has ruled that it should be prohibited. This legal ban pursues a two-fold objective: on the one hand

preventing, or at least dissuading, abusers and on the other offering ways and means to seek redress in cases of violations.

The legal abolition would constitute a significant improvement as it would bring about a much needed change in attitudes with respect to use of violence against children. If attitudes change to the better it will then be easier to identify risk situations and foresee early, effective and humane, interventions to prevent the beating of children as well as other unacceptable forms of violence against them, such as sexual abuse.

The law is important but not enough. We know that even in countries with a clear law there have been cases of battering and abuse of children. There is a need of monitoring and rapid reaction on cases of violation. There is a need for concerted education and information, including for training of professionals who are particularly important for the protection children, for instance teachers, social workers, health personnel and the police.

Still, even when such measures are taken breaches might happen and children – and their representatives – need remedies to protect their rights. They need to know where to go for confidential advice and advocacy, how to make complaints and pursue them, including to court when necessary.

And when states are failing to address such breaches on the national and local level, children should have a possibility to use regional human rights mechanisms. This is also relevant in regard to the Council of Europe. We should secure that its mechanisms, including the Court and the Social Charter Collective Complaints procedure, are truly accessible to children. They should be child friendly, child sensitive.

The campaign “Building a Europe for and with children” is of paramount importance. If we want a world where others are respected, where there is tolerance and where conflicts are resolved by peaceful means, we should take strong action. That is what the present generation of children is expecting for from us. We should not disappoint them.

Adults often claim to know in advance what is best for their children, to know what is good for them or not. This is far from being always true.

Article 12 of the CRC provides that a:

“child who is capable of forming his or her own views [has] the right to express those views freely in all matters affecting the child”

Participation should take place in the family and other living arrangements, in schools, in the community but also in larger fora, within the Council of Europe, for instance. We must create opportunities for children and young people to play an active role in shaping policies. If we are serious about working for children, we should work with them.