

*Analysis of*

**REPORT OF THE INDEPENDENT EXPERT FOR THE  
UNITED NATIONS STUDY ON VIOLENCE AGAINST CHILDREN**

*Seeks to Protect Children, But Only After Birth  
Silent on Abortion, Infanticide and Euthanasia  
Seeks Prohibition of All Forms of Corporal Punishment, Including Spanking  
Promotes Sexual Deviancy: Lesbian, Homosexual, Bisexual & Transgender*

*Thomas W. Jacobson (12 October 2006)*

On October 11, 2006, Mr. Paulo Sérgio Pinheiro [Brazil] presented his Report on the United Nations' Study on Violence Against Children. In 2001, at the request of the Committee on the Rights of the Child, the General Assembly asked Secretary General Kofi Annan to conduct such a study. In February 2003, Annan appointed Pinheiro as the Independent Expert to lead the Study and author the Report. The full Study has been published in a book that will be released in November 2006. Those who contributed to the full Study include: UNICEF, UNESCO, the UN High Commissioner for Human Rights, the World Health Organization, the UN High Commissioner for Refugees, the UN Office on Drugs and Crime, an NGO (Non-Governmental Organization) Advisory Panel, as well as children, particularly through regional meetings. Also, Norway, Egypt and the United States had high-level support for or input into the Report, and 117 nations responded to questionnaires from Mr. Pinheiro.

The Report draws attention to many harmful and egregious forms of violence against children (see list on next page), but is silent on the greatest forms of violence against children: abortion, infanticide and euthanasia. Also, the Report promotes protection of youth who experiment with or practice lesbian, homosexual, bisexual and transgender behaviors.

Regarding the authority of the United Nations, it is authorized to conduct studies and issue reports on domestic social and human rights matters, and then to “make recommendations” to Member Nations as this Report has done (Article 62, UN Charter). But because the UN is prohibited from “interven(ing) in matters which are essentially within the domestic jurisdiction of any” nation (Art. 2, par. 7), the Secretary General does not have the authority to appoint a high-level Special Envoy who would function as a global policeman to ensure that nations are complying with the recommendations of the Report.

The duty to protect children remains first and foremost with parents, second with relatives, communities and local government, and third with national governments, each within their jurisdiction. This is a solemn and important duty, and governments should increase their efforts to protect children, including the preborn and newly born, and would be wise to consider most of the recommendations contained in the Report.

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Mr. Jacobson originally wrote this paper in 2006 when he was serving as Representative to the United Nations for Focus on the Family (U.S.A.), from 2001 to 2010.

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### ***Primary theme of the Report:***

The primary theme and purpose of the Report, according to Mr. Pinheiro, is expressed in its opening sentence: “No violence against children is justifiable; all violence against children is preventable.”

### ***Some Right Priorities:***

The types of violence against children addressed in the Report which are vital for governments to increase their efforts to eradicate are:

- physical violence (pars. 28, 30, 39, 40-41, 47, 54, 56-57, 59, 62, 64-66, 69, 70-74, 76, 86);
- sexual harassment, exploitation, abuse, violence and rape (pars. 25-26, 28, 30, 39, 44, 64, 66, 69, 70, 75, 77-78, 86-87, 89);
- human trafficking (pars. 28, 69, 77, 79, 83-84, 87, 89);
- prostitution and pornography (pars. 28, 30, 67, 83);
- forced and bonded slavery (pars. 28, 66, 68, 84);
- female genital mutilation [FGM] (pars. 28, 46, 89);
- other harmful traditional practices [binding, scarring, burning, branding, “honour crimes”] (pars. 46, 89, 98, 100); and
- homicide (pars. 25, 28, 29).

### ***Tragic Silence on Greatest Holocaust:***

What will future generations think about this Report when they realize that abortion was the greatest evil and most common form of lethal violence against children in our generation, and yet the Report was silent about abortion, infanticide and euthanasia? Perhaps it will seem to them like Iranian President Mahmoud Ahmadinejad's denial of the Holocaust against Jews committed by the Nazi's in World War II.

The UN estimates that 45 million preborn children die each year because they are aborted before birth. Indeed, if the UN's estimates are accurate, then this is *the Greatest Holocaust in human history, with over one billion preborn children aborted just within the past three decades* (and if the UN estimates are high, then the last four decades). However, Mr. Pinheiro said abortion was not covered in the Report because it was controversial.

Paragraph 43 expresses concern about “mortality and morbidity in young children,” and the “imbalance in the sex ratio between girls and boys in some regions” with girls being “at particular risk of neglect, as well as violence.” If the Expert is speaking of the primary cause of the “imbalance in the sex ratio,” why did he not mention sex-selective abortion and infanticide, or specifically, female abortion and female infanticide?

Ironically, while the Report is silent on abortion, infanticide and euthanasia, it places considerable emphasis on prohibiting all forms of corporal punishment. Thus, is the Report saying it is acceptable to kill a preborn or newly born child, but not spank those allowed to live?

### ***Misperception about Violence in the Home and Family:***

In Section III, titled “Settings In Which Violence Against Children Occurs,” the first setting identified is “Home and Family.” But the Report does not adequately distinguish the types of relationships or situations in which most violence takes place. For example, in paragraph 44 the Report states that “most [sexual] abuse occurred within the family circle”; yet at the end of that paragraph and in paragraph 45, it clarifies that the perpetrators are not usually “the father or stepfather,” but other “family members” or unmarried “partners.” Indeed, this clarification was added to the Report only because the United States provided volumes of scientific research showing these factors, and revealing that violence is least likely within intact families with both birth parents still married.

Paragraph 39 is also misleading:

The prevalence of violence against children by parents and other close family members – physical, sexual and psychological violence, as well as deliberate neglect – has been acknowledged and documented in recent decades. ... Perpetrators vary according to the age and maturity of the victim and may include parents, stepparents, foster parents, siblings, other family members and carers.

Because “parents” are listed first among the “perpetrators,” one might think that they were the primary or most frequent persons committing violent acts against their children. Yet, as the scientific studies mentioned above proved, biological parents are the strongest protectors of their own children, and the perpetrator is usually not the father or mother of the child.

In paragraph 40, after the Report says, “Most physical violence against children in the family is not fatal,” the tragic example is given of “shaken baby syndrome,” which is usually committed by a non-family member, though in the home.

### ***Family Most Important Factor in Protecting Children From Violence:***

Both in the Report and in his oral statements, Mr. Pinheiro said the family was the most important factor in protecting children from violence.

Paragraph 33: (T)here are also factors that may prevent, or reduce the likelihood of violence. ... (O)n these protective factors, it is clear that stable family units can be a powerful source of protection from violence for children in all settings.

Paragraph 34: Factors that are likely to be protective in the home as well as other settings include good parenting, the development of strong attachment bonds between parents and children and positive non-violent discipline.

Paragraph 38: The family is the natural fundamental group unit of society ... (T)he family is the natural environment for the growth and well-being of all its members – and particularly children – thereby recognizing that the family has the greatest potential to protect children and provide for their physical and emotional safety.

The privacy and autonomy of the family are valued in all societies and the right to a private and family life, a home and correspondence is guaranteed in international human rights instruments.

### ***Parents Forgotten?***

Aside from the above references to parents included because of the strong findings in scientific social research studies, the Report seems to ignore parents and focus on children, including seeking children participation and views (par. 103). It would appear that the Expert and authors of the Report assume that children belong primarily to the State or the “global” community, and not to their parents. Because it does not appear that healthy families or parents were interviewed, it leaves the reader wondering if the Expert and authors presume that the opinions, concerns and input of parents are irrelevant, and that their authorization for interviewing their children was unnecessary. In fact, on October 12, 2006, when Secretary General Kofi Annan addressed about 20 children at UNICEF headquarters, who were flown in from around the world (none of whom said they had suffered any abuse), and asked them if they had discussed these matters with their parents, most did not raise their hand.

### ***Corporal Punishment, Misguided Priorities & International Treaties:***

Corporal punishment received considerable attention in the Report. Certainly there are forms of corporal punishment that should be banned, or at least not tolerated, including bullying, beating, “caning, flogging, stoning or amputation” (pars. 26, 28, 50, 51, 60, 62; see also pars. 53, 89). Yet spanking – which is not mentioned in the Report but was the only type of corporal punishment overtly referred to in the presentation and discussion of the Report at the UN on October 11, 2006 – is not the same as these abuses. Most parents who spank their children do so in love, as a means of correction that is not harmful to the child.

Even so, the Report supposes that all forms of corporal punishment are violent acts against children (pars. 26, 98). In paragraph 26, the Report asserts there should be “explicit legal prohibition of corporal punishment,” but does not specify which forms of corporal punishment should be made illegal. Thus, the Report appears to be advocating that spanking also be criminalized, which would result in parents being prosecuted and punished, and possibly having their children taken away from them. It is tragic that the Report does not clarify the difference between parents who lovingly correct their children, and adults or parents who abuse children.

Under recommendation 5 (par. 101) – “Enhance the capacity of all who work with and for children” – nations are advised to “invest in systematic education and training programmes both for professionals and non-professionals who work with or for children and families to prevent, detect and respond to violence against children.” Further, nations are encouraged to formulate and implement “Codes of conduct and clear standards of practice, incorporating the prohibition and rejection of all forms of violence ....” Sounds good, but the implications are also that spanking would be illegal, and that government and social workers might spy or report on parents who do spank their children.

The same concerns apply to the noble objectives in recommendation 9 (par. 105): “Ensure accountability and end impunity.” The Expert recommends that “States should build community confidence in the justice system by ... bringing all perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions.” Do “all perpetrators” include parents who spank their children; or, in Germany and other places that outlaw home schooling, parents who educate their own children? (The German government does not realize that education is a God-given parental duty.)

Further, the final part of recommendation 9 states: “Persons convicted of violent offences and sexual abuse of children should be prevented from working with children.” That’s good policy that would protect children from violence and abuse. However, would parents who spank their children lose custody of them?

Regarding international treaties, the Report claims that nations must prohibit and criminalize all forms of corporal punishment to be in compliance with their treaty obligations (par. 98). However, there is not one UN international treaty that mentions spanking or corporal punishment. Rather, in recent years, the Committee on the Rights of the Child has misinterpreted the provisions within the Convention on the Rights of the Child (CRC) designed to protect children against violence. The Committee claims that spanking is a form of violence against children, and said so formally when it issued General Comment No. 8 in 2006, which it uses now in reviewing national compliance with the CRC. Yet there is no evidence that Party Nations, by consensus, intended to prohibit spanking when they drafted and ratified the CRC. Both the Report and the CRC Committee make the same mistake of viewing all spanking and all forms of corporal punishment as violence against children.

### ***Excessively Broad Concept of “Violence”:***

Paragraph 42 identifies forms of “psychological violence” as “insults, name-calling, isolation, rejection, threats, emotional indifference and belittling,” claiming they “are all forms of violence.” That is an extremely broad definition of “violence.” Carried to its logical end, and if laws are made to enforce this incomprehensible view of “violence,” a person who shows “emotional indifference” or demonstrates insensitivity or unkindness toward another person could be charged with a criminal offense and punished under the law.

### ***Promotion of Sexually Deviant Behaviors, Leaving Children Vulnerable:***

In paragraph 52, the Report rightly calls upon governments to protect children from “Sexual or gender-based violence,” especially violence “directed at girls, by male teachers and classmates.” But then it goes on to call for “explicit protection from discrimination” for any young person who identifies himself or herself as “lesbian, gay, bisexual and trans-gendered.” Yet doing so would prohibit parents, schools and governments from protecting children from exploitation by those who engage in such immoral behaviors, and would encourage children to experiment with sexually deviant behaviors – which is dangerous to their mental and physical health, and especially detrimental to healthy formation of their God-given gender identity.

Laws and policies that are formulated based on this perversion of the legal concept of “non-discrimination” will certainly silence or punish anyone who expresses concern or opposition to sexual deviant behaviors. This will be the result if nations follow the advice of the Report and prohibit “all forms of gender discrimination” (par. 106).

### ***The Role of the United Nations and a “Global Advocate”:***

In the Report, the Expert calls upon the UN General Assembly to “request the Secretary-General to appoint a special representative on violence against children,” who would “act as a high-profile global advocate to”:

- “promote prevention and elimination of all violence against children”;
- “encourage international and regional cooperation”; and
- “ensure follow-up to the present recommendations” (par. 120).

It appears that the Expert and authors of the Report view their recommendations as internationally binding legal obligations upon countries; and that implementation should be monitored and enforcement ensured through the “global advocate” – or Global Policeman. Again, as mentioned earlier, engaging in monitoring for compliance, as well as appointing such an individual, goes beyond the legal authority of the United Nations and its Secretary General. The rightful authority of the UN is to submit the Report to Member Nations as a recommendation.