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Follow-up to the UN Secretary-General's Study on Violence against Children:

ESTABLISHMENT OF A SPECIAL REPRESENTATIVE TO THE SECRETARY-GENERAL

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Introduction

The Secretary-General's Study on Violence against Children (A/61/299) reveals the widespread and intolerable use of violence against children worldwide. The study found that violence affects both girls and boys of all ages, all social contexts, and all nationalities. The short and long-term repercussions of this violence are devastating—including injuries, disabilities, life-long emotional and psychological effects, sometimes death, as well as significant economic and other costs to society. The Study presents a comprehensive set of recommendations detailing necessary steps to prevent and respond to violence against children.

Ending violence against children will require leadership and attention at the highest level. Recognizing this, the UN Study recommends that governments act to establish a Special Representative to the Secretary General on Violence against Children. Specifically, it recommends that the Special Representative *“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”* (para 120; see annex for full recommendation).

The UN General Assembly did not act on this recommendation in 2006, but requested the Secretary-General's independent expert to submit to the 62nd session of the General Assembly a report on progress made and *“to anticipate the necessary strategy for the implementation of the study.”*

Having revealed the horrific scope of violence against children, the Study must now stimulate an effective response, including the appointment of a high level focal point to ensure continued attention and action to end violence against children.

Therefore, NGOs urge member states to accept the Study's recommendation, and at the 62nd session of the General Assembly, request the Secretary-General to appoint a Special Representative on Violence against Children.

Mandate for an SRSG on Violence against Children:

The primary role of the Special Representative will be to provide leadership and foster commitment and concrete action to end violence against children, and ensure a coordinated approach across and beyond the UN system in addressing these issues.

Key aspects of his/her mandate will be:

1. to enhance visibility and attention to all forms of violence against children and advocate for its elimination;
2. to support the implementation and monitoring of the Study's recommendations;
3. to identify and share good practices;
4. to ensure coordination and communication among all key actors.

These aspects are reflected in the recommendations of the Independent Expert in his final report to the UN General Assembly (A/61/299, particularly paragraphs 120 to 123, see Annex II).

1. Provide leadership and enhance visibility and attention to violence against children: As a high-level and independent global advocate, the Special Representative will highlight violence against children before UN bodies, regional organizations, national governments, civil society, and the media. The Special Representative will help to maintain the visibility of violence against children that was achieved during the Study process, and sustain the broad engagement of key actors that participated in the regional and thematic consultations conducted for the Study: national governments, international organizations, non-governmental organizations, and civil society, including children. He/she will act as a catalyst to stimulate the commitment of both governments and broader society to prevent and respond to violence against children.

2. Support the implementation and monitoring of the Study's recommendations: The Special Representative will promote the implementation of the Study's recommendations at national, regional and international levels, through direct interaction with member states, including through field missions, engagement with regional organizations, UN and UN-related bodies, and by mobilizing involvement across civil society. With support from key UN agencies, including UNICEF, the OHCHR, WHO, and ILO, the Special Representative will assess progress in fulfilling the Study's recommendations, and make regular reports to the UN General Assembly and the Human Rights Council. He/she will assist efforts to develop more comprehensive and systematic data collection on violence against children in order to enhance the existing knowledge base about the nature and scope of violence against children, improve prevention and response efforts, and more effectively track progress in ending violence against children.

3. Identify and share good practices: Building on the practices identified in the UN Study, the Special Representative will identify successful models to prevent and respond to violence against children. He/she will help disseminate information about effective strategies that can be shared among all those working on implementation. These may include legal or policy initiatives, community-based child protection programmes, training models, examples of service provision, etc. Reflecting the multi-dimensional and multi-disciplinary nature of the Study, the Special Representative will also play a key role in ensuring cross-fertilization between the various sectors addressing violence against children, including those focused on public health, human rights, and child protection.

4. Achieve coordination among all key actors: Building on the successful interagency collaboration that marked the Study, the Special Representative will work closely with UNICEF, the WHO, the OHCHR, ILO and other key partners to maintain a coordinated approach in addressing violence against children. The Special Representative will play a critical communications and facilitation role, to ensure the effective flow of information between key parts of the UN system, support complementary approaches in addressing violence against children, and avoid any unnecessary duplication. In this regard, the Special Representative will work closely with the UN Inter-agency Group on violence against children that was established as a result of the Study.

The Special Representative will collaborate with the Human Rights Council and with existing mechanisms and treaty bodies, including in particular the Committee on the Rights of the Child, the Special Representative to the Secretary-General on Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, and others as appropriate. He/she will establish mutually supportive collaboration with NGOs and civil society, including the NGO Advisory Council established specifically to support follow-up to the Study. He/she will work to increase the involvement of children and young people in actions to prevent and respond to violence against children.

Just as the UN Study revealed that violence against children is an international problem, occurring in both developed and developing countries alike, the scope of the SRSO's work should be to support *all* UN member states in ending violence against children.

Why existing mechanisms are inadequate

Some have suggested that existing mechanisms, with or without adaptation, can provide adequate follow-up. But these proposals underestimate the scale of the problem and the need for new leadership and coordination, as outlined below.

Follow-up by existing human rights mechanisms: A number of existing human rights mechanisms relate to certain forms of violence against children, including the Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography; the Special Rapporteur on Torture; the Special Rapporteur on Violence against Women; Special Rapporteur on Summary Executions; Special Rapporteur on Trafficking in persons, especially women and children; and the Working Group on Arbitrary Detention. Each of these mechanisms has addressed some forms of violence against children and should be encouraged to give more emphasis to children within their limited mandates. But they provide a piecemeal approach to violence against children, lacking overall coherence. In addition, there are many substantial gaps that are not addressed by the current mechanisms, including violence against boys, violence against children in homes and schools, other institutions and alternative forms of care, in the justice system, violence against children in most work situations, etc.

Special Rapporteur supported by the OHCHR: Some have proposed that a new Special Rapporteur could be established by the Human Rights Council, or the existing mandate of the Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography could be expanded to include all violence against children. However, these options would limit the scope of follow-up by linking it exclusively to the human rights system. The unique multi-disciplinary nature of the Study drew not only on the human rights architecture, but also the fields of public health, child development, education, labour, etc. The follow-up mechanism should similarly be in a position to cultivate a strong, multi-sectoral response.

The Committee on the Rights of the Child: The Committee already has the task of monitoring states' obligations under the Convention on the Rights of the Child to address violence against children. It already highlights the Study's recommendations in its concluding observations on states parties' reports. However, the Committee has recognized publicly that it is not in a position to take on the necessary follow-up functions. It strongly supports the establishment of a Special Representative on Violence against Children (see Annex I). The Committee has neither the mandate nor the resources necessary to take on an advocacy or coordination role, or to engage systematically with the multiple partners that must be part of the follow-up effort. States are only required to report to the Committee at five yearly intervals; this, and the mandate of the Committee which requires it to address the full range of children's rights, seriously limits its capacity to provide adequate follow-up.

Broadening the mandate of the Special Representative on Children and Armed Conflict (SRSG/CAC) to include children in non-conflict situations: The Study on Violence against Children avoided duplication with the 1996 Machel Study on the impact of armed conflict on children. Similarly, a SRSG on Violence against Children should avoid duplication with the SRSG/CAC.

Based on the Machel Study, the SRSG/CAC has substantially advanced the children and armed conflict agenda, achieving both concrete outcomes and sustained visibility to children and armed conflict issues. Moreover, the demands on the office have increased due to the Security Council's 2005 decisions to create a special working group devoted to children and armed conflict, and establish a new UN monitoring and reporting mechanism on children and armed conflict. It is crucial that the mandate and office of the SRSG on children and armed conflict be maintained intact, so that it can continue its effective and focused agenda (see Annex III). At the same time, children who experience violence in their daily life and live in non-conflict situations – being significantly larger in number – deserve at least the same level of focused attention at the international level.

Follow-up by an existing UN agency: Violence against children relates to the mandates of several existing UN agencies, including UNICEF, the OHCHR, WHO, and the ILO. At various levels, each agency is addressing violence against children, including follow-up to the Study, in its on-going work. Some suggest that such efforts are adequate, or that one of the agencies could be asked to take a leadership role for effective follow-up. A similar option would be to establish a designated high level advocate within one of the agencies. However, relying only on the agencies compromises the independence of the mandate and diminishes the potential for high level leadership that can create and sustain both visibility and action. In addition, delegation of the follow-up to a single agency would compromise the multi-sectoral and multi-dimensional approach that is clearly needed to effectively address the issue. It may also result in a decrease in commitment from other agencies that have vital roles in addressing violence against children.

Follow-up by the Interagency Group on violence against children: NGOs welcome the establishment of the interagency group to enhance coordination and cooperation among UN agencies which are contributing to follow-up to the Study. Such a working group is essential to ensure effective communication, complementary approaches, and to avoid unnecessary duplication among these agencies. However, it cannot perform the critical leadership functions that are needed in the follow-up process—in particular, the high level advocacy envisioned for the Special Representative, and the creation of a single, identifiable focal point for other relevant actors (including NGOs, children and civil society) to relate to.

Conclusion: None of these options is adequate to ensure a comprehensive, multi-dimensional, multi-sectoral response, with sufficient profile to guarantee effective results. Of all of the options available, the proposal for a Special Representative to the Secretary-General is best suited to meet the challenge of following up the UN Study.

The UN Reform Process – not a good reason for keeping children waiting

Some member states have expressed reluctance to create a new mechanism during the process of UN reform. The Committee on the Rights of the Child noted in October 2006 that “there may be some hesitation over establishing an office of Special Representative during the current period of UN reform and when the mandates of some related special procedures are under review” (see Annex I). However, the Committee stated that it “considers that such pragmatic considerations ignore the urgency of the situation now placed so clearly on the international agenda. . . . Children should not be asked to wait any longer for concerted and coordinated action to address this disturbing problem and the momentum created by the Study process in all regions must not be lost.”

As part of the UN reform process, the Panel on System-Wide Coherence noted that the fragmentation of the UN system often compromises its ability to serve the needs of all countries. This is currently the case regarding violence against children. Existing efforts are fragmented and addressed by multiple agencies with mandates and responsibilities relating in various ways to violence against children, creating an overall lack of coherence and inhibiting strong leadership.

The proposal for a Special Representative on violence against children would *enhance* UN effectiveness by:

- establishing a single focal point that would work with existing agencies to develop coordinated approaches that draw on the comparative advantage of each agency;
- identifying and helping to eliminate unnecessary duplication between agencies;
- promoting integrated approaches to violence against children, bridging the public health, human rights, and child protection perspectives;
- promoting integrated follow-up strategies within national planning processes by member states;
- providing an easily-identified first point of contact for non-UN partners (NGOs, academics, children and youth, civil society) who are working on violence against children.

Accountability to Children

The direct involvement of children in the Study was unprecedented. Children participated in each of the nine regional consultations for the Study, which were all preceded by meetings where child participants developed inputs and recommendations.

Two youths who were part of the study process delivered a statement at the Geneva launch of the World Report on Violence against Children on 20 November 2006. They expressed their desire for governments to make a full commitment to the Study, saying, “The Study gave us great recommendations, which we expect you to implement fully — together with us!” As part of the follow-up to the Study, they cited the importance of maintaining the energy and enthusiasm created during the four years of the Study. For this reason, they said, “We should therefore have a Special Representative appointed who will make sure that the pages of the Study are translated into our daily reality and all these efforts and all findings are not forgotten.”

Children and youth who participated in the international NGO Advisory Panel for the Study also supported the proposal for a Special Representative, agreeing that an important role for the Special Representative would be to help ensure continued child participation in efforts to end violence against children.

The children who participated in the Study have high expectations for a global movement to end violence against children that will yield concrete results. From every part of the world, they gave input about their experiences and the action that they believe is needed. We must be accountable to them and do everything possible to meet their expectations.

Structure and Cost

To be effective, the SRSG on Violence against Children must have adequate professional staff and resources to support his or her mandate and activities. We accept that the initial office should be compact. As a minimum, the SRSG should be supported by a minimum of two P4 programme officers, and a GS6 administrative officer. The SRSG should also have an adequate budget to conduct at least six missions a year, to enable him/her to meet with national governments, regional bodies, and other stakeholders.

Conclusion

Violence against children directly affects a significant portion of the world’s population, and undermines the creation of safe, healthy communities for all. The Secretary-General’s study on violence against children has established an urgent need to confront this challenge. Actions by all actors will be necessary—national governments, international bodies, civil society and individual citizens. However, maintaining a focused response demands the appointment of a high level individual within the UN to provide leadership and act as a catalyst for action. Member states should respond to this challenge by establishing a Special Representative to the Secretary-General on violence against children.

Annexes

Annex I: Letter to UN member states from the chair of the Committee on the Rights of the Child, 4 October 2006

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Téléfax: (41-22) 917 9022
Télégrammes: UNATIONS, GENEVE
Téléx: 41 29 62
Téléphone: (41-22) 917 92 16
Internet: www.ohchr.org
E-mail: mandrinjaseric-boko@ohchr.org
REFERENCE: MAB/ United Nations Study on Violence against Children



Address:
Palais des Nations
CH-1211 GENEVE 10

4 October 2006

Excellency,

The Committee on the Rights of the Child wishes to refer to the report of the Independent Expert for the United Nations Study on Violence against Children (A/61/299), to be discussed in the Third Committee of the General Assembly on 11 October 2006. The Committee welcomes the report and recalls that in its letter to the Secretary-General in 2001, requesting an in-depth global study, it urged that it 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.”

The Committee commends the fact that the Study was developed through a participatory process and extensive consultations, in particular through the nine regional consultations in which representatives of States, regional and intergovernmental bodies as well as civil society organisations, national human rights institutions and others took active part. In particular it welcomes the direct engagement with children and young people and respect for their contributions in the process led by Professor Pinheiro.

As the report underlines: “Member States have already made commitments to protect children from all forms of violence. However, we must accept – from children’s testimony during the Study process, as well as reflected in research, that these commitments are far from being fulfilled. The core message of the Study is that no violence against children is justifiable; all violence against children is preventable. There should be no more excuses. Member States must act now with urgency to fulfil their human rights obligations and other commitments to ensure protection from all forms of violence” (para. 91).

The Committee wishes to strongly urge Member States to endorse the report and its recommendations, to commit themselves to fulfilling their obligations under the Convention on the Rights of the Child, its Optional Protocols and other instruments and to meet the time bound key goals set in the report (see para. 116).

In particular, the Committee wishes to support the recommendation that a Special Representative on Violence against Children should be appointed as soon as possible, “to 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” (para. 120).

.../...

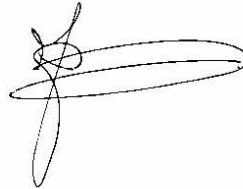
Now that the scale and universality of the problem of violence against children, in their homes, schools, other institutions, the workplace and the community has been made more visible and placed on the international agenda, it is essential that momentum is not lost. There must be a high-level, high profile focal point for follow-up as well as appropriate coordination among key UN agencies.

The Committee appreciates that there may be some hesitation over establishing an office of Special Representative during the current period of UN reform and when the mandates of some related special procedures are under review. The Committee considers that such pragmatic considerations ignore the urgency of the situation now placed so clearly on the international agenda.

The Graça Machel Study on the impact of armed conflict on children – also requested by the Committee on the Rights of the Child - led to the appointment of a Special Representative to the Secretary-General. That Office has ensured that that particular issue has been highly visible and significant progress through monitoring and advocacy has been achieved. There is no duplication in the proposed appointment of a Special Representative on Violence against Children, who would be tasked to ensure that there was collaboration and not duplication among the various special procedures involved. The Committee on the Rights of the Child already highlights the Study and its recommendations in its concluding observations on States parties' reports. It looks forward to working closely with the Special Representative and with key UN agencies on follow-up.

The Committee hopes that Member States will ensure the establishment of the Special Representative with an adequately resourced office. Children should not be asked to wait any longer for concerted and coordinated action to address this disturbing problem and the momentum created by the Study process in all regions must not be lost.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

Jakob Egbert Doek
Chairperson
Committee on the Rights of the Child

Annex II: Recommendation from the Report of the independent expert for the United Nations Study on violence against children (A/61/299, paras 120-123)

120. In view of the importance of multisectoral coordination in addressing violence against children, I recommend that the General Assembly request the Secretary-General to appoint a special representative on violence against children, to 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.

121. The special representative should disseminate and promote the recommendations of the Study in different international, regional and national forums. He or she should periodically report to the Human Rights Council and the General Assembly, and should coordinate the preparation of a report on implementation of the recommendations, to be presented to the General Assembly at its sixty-fifth session.

122. The special representative will work closely with, but not duplicate the work of the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children. He or she should collaborate with regional human rights protection systems and all other regional and national follow-up initiatives.

123. The special representative should have an initial mandate of four years. Building on the successful inter-agency collaboration that marked the Study, he or she should be supported by OHCHR, UNICEF and WHO. A United Nations inter-agency group on violence against children with representative from NGOs and children, should support follow-up.

Annex III. Learning from a Successful Model: The SRSG on Children and Armed Conflict

In 1996, Graça Machel presented her groundbreaking report on the impact of armed conflict on children to the UN General Assembly. The General Assembly then requested the Secretary General to appoint a Special Representative on Children and Armed Conflict (SRSG/CAC) in order to follow-up the findings of the Machel Study.

The role of the SRSG/CAC is to promote and protect the rights of all children affected by armed conflict. Specifically, the SRSG:

- serves as a moral voice and an independent advocate for the protection and well-being of boys and girls affected by armed conflict;
- advocates, builds awareness and gives prominence to the rights and protection of children affected by armed conflict;
- works with partners to propose ideas and approaches to enhance the protection of children affected by armed conflict and to promote a more concerted protection response;
- acts as a facilitator, undertaking humanitarian and diplomatic initiatives to facilitate the work of operational actors on the ground with regard to children and armed conflict. (SRSG Strategic Plan, September 2006)

The SRSG conducts regular field missions to follow-up the recommendations of the Security Council working group on children and armed conflict, and to elicit commitments from parties to armed conflict to end violations against children. The SRSG's office has helped to develop the UN monitoring and reporting mechanism on children and armed conflict, and based on information collected through the mechanism, prepares detailed reports for the Security Council and its working group to inform Security Council action on children and armed conflict. She also convenes the UN Task Force on Children and Armed Conflict, which consists of all relevant UN offices, department, funds and programmes, serving as a locus of consultation and policy formulation on children and armed conflict.

While the SRSG on children and armed conflict has focused attention on a relatively small number of conflict-affected countries and other countries of concern, the SRSG on violence against children would have a global mandate, focused on violence against children in all countries of the world.