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RIGHTS OF THE CHILD

The Secretary-General's study on the question of violence against children*

Note by the Secretariat

Summary

Commission resolution 2004/48, on the rights of the child, refers to the Secretary-General's study on the question of violence against children. The General Assembly, in its resolution 60/231, requested submission of the final report to it at its sixty-first session and this note provides information on progress of the study.

* This document is submitted late so as to include the most up-to-date information possible.

Introduction

1. At its sixtieth session, in 2004, the Commission on Human Rights welcomed the establishment of a secretariat for the Secretary-General's study on the question of violence against children, which had been requested by the General Assembly in its resolution 56/138 of 19 December 2001, in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO). It invited Member States, United Nations bodies and organizations and others to provide substantive, and where appropriate, financial support for the effective conduct of the study; it invited non-governmental organizations (NGOs) to contribute to the study, taking into account the recommendations of the Committee on the Rights of the Child made following the general discussions on violence against children held in September 2000 and 2001; and encouraged the independent expert to seek the participation of children in the study, taking into account their age and maturity.
2. The resolution also requested the Secretary-General to submit a substantive progress report on the study to the Commission at its sixty-first session and the final in-depth study to the Commission at its sixty-second session for its consideration, with the aim of evaluating all possible complementary measures and future actions.
3. The Secretary-General submitted a substantive progress report on the study to the sixty-first session of the Commission (E/CN.4/2005/75). In its resolution 59/261 of 23 December 2004 the General Assembly invited Mr. Paulo Sergio Pinheiro, the independent expert appointed by the Secretary-General to lead his study on violence against children, to report on the progress of the study. In its resolution 60/231, the General Assembly welcomed the progress report and requested the presentation of the final note on the study to it at its sixty-first session. In light of this request, the current report provides information on the activities of the independent expert and the progress of the study since the submission of his report to the sixtieth session of the General Assembly.

The independent expert's activities during the sixtieth session of the General Assembly

4. During the sixtieth session of the General Assembly, the independent expert discussed the study and its follow-up with representatives of Governments of the five regional groups in collective and bilateral meetings. He briefed representatives of the member States of the African Union on the outcome of the regional consultations for the Middle East and North Africa, held in Egypt from 27 to 29 June 2005, West and Central Africa, held in Mali from 23 to 25 May 2005, and Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. He also participated in several side events relating to the study, including on violence against children in and around schools, with an emphasis on child-rearing practices and alternative discipline, convened by the United Nations Educational and Scientific Organization (UNESCO) and a panel co-convened with the Division for the Advancement of Women (DAW) on the Secretary-General's studies on violence against children and violence against women, which DAW is leading. He also discussed the study and its follow-up with the President of the Economic and Social Council.

Collaboration with regional human rights organizations

5. The independent expert provided briefings to regional organizations on the study's progress and their potential role in the follow-up to the study. He continued to collaborate with the Council of Europe, in particular its Deputy Secretary-General, and discussed possible collaboration during 2006 with the newly elected European Commissioner for Human Rights of the Council. He met with the Personal Representative for Human Rights of the Secretary-General of the Council of the European Union, members of the European Parliament, (including the Human Rights Sub-Committee of the European Parliament) and the European Commission (including the Democratization and Human Rights Unit and the Justice and Home Affairs Unit) who expressed interest in the implementation of the recommendations.

6. In his capacity as commissioner and special rapporteur on child rights of the Inter-American Commission on Human Rights (IACHR) of the Organization of the American States, the independent expert participated in hearings on topics concerning violence against children in countries of Central and South America, convened during the 123rd regular session of the IACHR. The IACHR has been requested to seek an advisory opinion on corporal punishment from the Inter-American Court of Human Rights, and it is already taking the recommendations from the consultations on the study in the Inter-American region into consideration in its preparation of reports on child rights.

7. The independent expert participated in a joint mission organized by the IACHR and the UNICEF Regional Office for Latin American and the Caribbean in Haiti from 2 to 5 November 2005, during which he met with local authorities, representatives of United Nations agencies, the United Nations Stabilization Mission in Haiti, local NGOs and children, and visited several centres for juvenile offenders. He expressed concern at the grave violations of the human rights of Haitian children and adolescents that form part of the ongoing violence in the country and are aggravated by the lack of the capacity of the State to respond adequately to security and justice issues and to provide an adequate social welfare, education and health system. He also noted that the situation of children and adolescents living in communities where criminal gangs freely operate was particularly worrying and required special efforts to ensure humanitarian aid.

Collaboration with United Nations entities

8. United Nations entities, in particular the three supporting agencies OHCHR, UNICEF and WHO, have continued to support the independent expert and contribute to the study. The International Labour Organization and UNESCO are also providing specific inputs to the study. The United Nations Office on Drugs and Crime has proposed an expert meeting on human trafficking in spring 2006, and an expert consultation on international human rights mechanisms on violence against women and violence against children will be jointly organized by DAW and OHCHR in April 2006. United Nations entities are also planning activities to follow up the recommendations of the study, which include strengthening linkages and engagement on violence against children among United Nations entities and their partners.

Collaboration with the Committee on the Rights of the Child

9. The independent expert continued to collaborate with the Committee on the Rights of the Child, and participated in its day of general discussion on “Children without parental care”, on 16 September 2005. The recommendations adopted as a result of the day of general discussion included the importance of the implementation of the Study’s recommendations. He also participated in the subregional seminar on the implementation of the concluding observations of the Committee on the Rights of the Child which took place from 28 to 30 November 2005 in Buenos Aires.

Collaboration with non-governmental organizations and other parts of civil society

10. The independent expert participated in the meeting of the NGO Advisory Panel which took place from 4 to 6 December 2005, where perspectives were provided on the potential recommendations of the study. He delivered statements at the World Conference on Prevention of Family Violence, which was held in Banff, Canada, on 24 October 2005, and at a meeting on “Ending legalized violence against children” organized by the civil society network Children are Unbeatable! Alliance, on 5 December 2005 at the House of Commons of the British Parliament in London.

11. The independent expert participated in the launch of the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) report on violence against children in cyberspace on 11 November 2005 in Bangkok and on 20 September 2005, participated at a side-event organized by ECPAT during the preparatory conference for the World Summit on the Information Society in Geneva.

Editorial board and research advisory group

12. On 6 to 7 October and 7 to 8 December 2005, the independent expert chaired the fourth and fifth meetings of the study’s editorial board, which is comprised of experts from various regions of the world, including representatives from United Nations entities and NGOs. The editorial board reviewed the draft chapters of the study report and also reviewed draft overarching recommendations. The sixth meeting of the editorial board will take place in March 2006. The independent expert also continued to participate in the research advisory group which he set up to develop globally relevant estimates on the different forms of violence against children.

Analysis of responses to the independent expert’s questionnaire to Governments

13. Since the submission of the progress report to the General Assembly, the independent expert has focused on the analysis of the responses to the questionnaire he submitted to Governments in March 2004. One hundred and twenty-four Governments have submitted responses, and the independent expert aims to make the analysis available to the Commission on Human Rights as an addendum to this report.
