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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Annual report of the Special Representative of the Secretary-General on violence against children, Marta Santos Pais*

Summary

The Special Representative of the Secretary-General on violence against children hereby submits her second report to the Human Rights Council in accordance with General Assembly resolution 65/197.

In the report, the Special Representative is guided by the United Nations study on violence against children (A/61/299) and builds upon the vision and priority areas of work identified in her initial report (A/HRC/13/46).

The Special Representative reviews progress in the priority areas of her mandate, and highlights key initiatives promoted by her to institutionalize regional governance structures and to strengthen strategic alliances with key partners at the international, regional and national levels. In spite of a growing commitment across regions to address violence against children, this phenomenon continues to have a serious impact on the lives of millions of children. In this context, the Special Representative identifies areas of concern to be given special attention in 2011: (a) promoting universal ratification of the Optional Protocols to the Convention on the Rights of the Child; (b) conducting a global survey to assess progress in violence prevention and responses; and (c) addressing violence in the context of education and of the administration of justice.

* Late submission.

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I. Mandate and strategic priorities

1. The Special Representative of the Secretary-General on violence against children acts as a high profile, global independent advocate to promote the prevention and elimination of all forms of violence against children. Her mandate is framed by the United Nations study on violence against children and its strategic recommendations (A/61/299), and promotes children's protection from violence as a human rights imperative. The Convention on the Rights of the Child and the Optional Protocols thereto, and other international human rights instruments, provide a firm normative foundation for the prevention and elimination of all forms of violence against children. For this reason, the Special Representative promotes the universal ratification of core human rights treaties.

2. The Special Representative acts as a bridge-builder and a catalyst of actions in all regions, across sectors and in settings where violence against children may occur. She cooperates with a wide range of strategic partners within and beyond the United Nations system, and mobilizes action and political support to maintain momentum around this agenda, to generate renewed concern with regard to the harmful effects of violence on children, to promote behavioural and social change, and to achieve steady progress along the way.

3. The Special Representative makes use of mutually supportive strategies, including by promoting advocacy for children's protection from violence; contributing to strategic meetings at the international, regional and national levels to accelerate progress in this field, to identify good practices and promote the cross-fertilization of experiences across regions, sectors and settings; organizing field missions; and developing thematic studies and reports.

4. As explained in her previous reports submitted to the Human Rights Council and the General Assembly,¹ the Special Representative places priority focus on:

- (a) Promoting a strategic agenda, building upon the recommendations of the United Nations study;
- (b) Strengthening key partnerships to achieve progress in the follow-up to the study;
- (c) Securing firm support, including sound funding, to promote progress in violence prevention and in the protection of children from all forms of violence.

II. A strategic agenda for the implementation of the United Nations study

5. The recommendations of the United Nations study provide a navigation chart to accelerate and monitor progress in violence prevention and responses. In view of their particular urgency, the study identified time-bound targets for three recommendations. For this reason, these are also the areas to which the Special Representative gives special attention, namely:

- (a) The development in each State of a national comprehensive strategy to prevent and respond to all forms of violence;
- (b) The introduction of an explicit legal ban on all forms of violence against children, in all settings;

¹ A/HRC/13/46 and A/65/262.

(c) The promotion of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

A. A national comprehensive strategy

6. A national strategy is at the core of effective action to prevent and eliminate all forms of violence against children. It helps to shape a vision and generate long-term and sustained commitment to build a safe society where children may grow up free from violence. With strategic, time-bound targets, and informed by sound data and research, it provides a road map to mobilize action, resources and support to stimulate and monitor progress, and promote a process of lasting change. To be effective, a strategy needs to meet critical requirements, including being mainstreamed into the national policy and development agenda, to avoid being perceived as an afterthought and ignored when key policy and budgetary decisions are made; adequately supported by human and financial resources; and evaluated on a regular basis. It also needs to be coordinated by a high-level focal point with leading responsibilities in children's issues and with authority to articulate activities across governmental departments, in association with relevant stakeholders, including civil society.

7. Violence against children has an impact on all children's rights and requires the effective engagement of all levels of public administration and the involvement of all relevant ministries, including health, education and social affairs, gender, justice, migration and home affairs, planning, economy and finance.

8. In the overall framework of follow-up to the United Nations study and cooperation with the Special Representative, recent months have been marked by significant commitments made by intergovernmental and regional organizations, and the promotion of strategic initiatives supporting the development and implementation of national strategies for the protection of children from violence. In some cases, time-bound goals have also been agreed on to move this process forward. This is well illustrated by significant regional initiatives² and policy decisions, including those taken by the South Asian Initiative to End Violence against Children, the Organization of the Islamic Conference (OIC) and the Council of Europe.

9. In 2010, Governments in South Asia formed the South Asian Initiative to End Violence against Children³ and adopted a strategic plan for 2010–2015 to coordinate, standardize and monitor progress annually. One of its strategic objectives is the development in all States of a comprehensive national strategy, policy or plan of action on violence against children, integrated into the national planning process with realistic time-bound targets and adequate resources, and coordinated and monitored by a nodal agency with the human and financial capacity to involve multiple sectors.

10. The 2009 Cairo Declaration, adopted by the States members of OIC, recommended the adoption of all appropriate legislative, social and other measures for an effective follow-up to the recommendations of the United Nations study, and specifically called on the establishment by each State of a high-level focal point to coordinate all actions to prevent

² National planning for the protection of children's rights including protection from violence also received critical attention at the XX Pan American Child Congress, held in September 2009 in Peru; the African Committee of Experts on the Rights and Welfare of the Child in its 2010 thematic session on violence against children (fifteenth session, March 2010); and the High-level Meeting on South-South Cooperation for Child Rights in the Asia Pacific Region, held in November 2010 in Beijing.

³ The Initiative builds upon the South-Asia Forum for Ending Violence against Children, established in 2005, in Islamabad, by the regional consultation for South Asia on violence against children.

and combat all forms of violence against children, and to promote the development of a well-resourced national strategy on violence against children, engaging with civil society, including children and young people.

11. In 2009, the Committee of Ministers of the Council of Europe adopted the policy guidelines on integrated national strategies for the protection of children from violence to protect the rights of children and prevent and combat all forms of violence against them, calling on Member States to promote the wide dissemination of the guidelines and their implementation through national legislation, policy and practice. According to the guidelines, an integrated national strategy is a multifaceted and systematic framework fully integrated into a national policy, with a specific time frame, with realistic targets, coordinated and monitored by a single agency, supported by adequate human and financial resources and based on scientific knowledge.⁴

12. In a growing number of countries, significant efforts are being made to develop a national agenda on violence against children. In some cases, the development of the strategy has been promoted through a wide participatory process in which governmental departments, civil society organizations, academics and young people have taken part. In a number of other cases, States have set in place national plans of action and high-level coordinating bodies to oversee implementation of the Convention on the Rights of the Child, within which violence against children is a distinct component.

13. These significant developments are welcome, but much remains to be done to ensure that violence against children gains visibility in the public debate, in the policy agenda and in resource-allocation decisions, and is supported by a paradigm shift in the way this phenomenon is perceived by society.

B. Legal ban on all forms of violence against children

14. Legislation is a key component of any comprehensive national strategy on violence against children. It is an expression of a country's political commitment to work towards violence prevention and the protection of children's dignity and physical integrity. It provides protection for victims and witnesses, enabling reporting, redress and assistance, and recovery and reintegration; moreover, it encourages positive discipline and promotes the education of children through non-violent means.

15. Three countries recently took legislative action to ban violence against children:

(a) **Kenya.** The new Constitution came into force in August 2010. Article 29 prohibits any form of violence from either public or private sources. This ban is binding for all State organs and all persons. Article 53 provides that every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour;

(b) **Poland.** Article 2 of the 2010 Law on the Prevention of Family Violence amends the Family Code (1964) and inserts a prohibition of all corporal punishment in child-rearing: persons exercising parental care, care or alternative care over a minor are forbidden to use corporal punishment, inflict psychological suffering and use any other forms of child humiliation. This important amendment builds upon the national Constitution of 1997, which prohibits corporal punishment;

⁴ To advance the implementation of the guidelines and promote cross-fertilization of experiences, the Council organizes expert consultations, as was the case of the meeting in May 2010, in Vienna, hosted by the Government of Austria.

(c) **Tunisia.** In July 2010, the Parliament passed Law No. 2010-40, amending article 319 of the Penal Code and prohibiting the use of all forms of corporal punishment in child-rearing.

16. Around the globe, law reform for children's protection from violence is gaining momentum. When the United Nations study was finalized, only 16 countries had legislation prohibiting violence in all settings, including corporal punishment in the home. Currently, 29 countries have introduced such a comprehensive legal ban. In all regions, legislative reform initiatives are under way to achieve full prohibition, and in several other countries, new legislation is under review to prohibit violence in specific settings. In some cases, a monitoring system has been developed to advance implementation. In countries where harmful practices persist behind deeply entrenched traditions,⁵ the legislative process has provided opportunities to involve community and religious leaders, parliamentarians, professional associations, academic institutions and grass-roots organizations, and to engage communities concerned to promote change from within and consolidate prevention efforts.

17. Recent regional commitments have underscored the importance of law enactment and enforcement in safeguarding children's rights to freedom from violence. For instance, this area has been identified as a high priority by the South Asian Initiative to End Violence against Children, the Council of Europe and in the Cairo Declaration adopted by OIC Member States (see paragraphs 8–11 above).

18. Similarly, the Beijing Declaration on South-South Cooperation for Child Rights, adopted in November 2010 by Governments in the Asia-Pacific region, emphasized the need to address child protection concerns based on laws that focus on safeguarding children from potential harm and banning all forms of violence against children. At the Fourth High-level Arab Conference on the Rights of the Child, held in Marrakesh in December 2010, the determination to enforce legislation and promulgate laws to protect children from all forms of violence, exploitation, neglect and ill-treatment was voiced.

19. As noted in previous reports, this dimension has been emphasized equally by the Pan American Child Congress, the Ibero-American Conference of Ministers and Authorities Responsible for Children, and the African Committee on the Rights and Welfare of the Child. It was given centre stage in the work of other strategic partners too, including parliamentarians and religious leaders (see box below), as well as national independent human rights institutions.⁶

Commitment to Eliminate Violence against Children, International Executive Committee of Religions for Peace, November 2010

“We advocate for the adoption of national strategies and legislation on the ban of violence against children, accompanied by budget allocations to fund prevention strategies, and the protection, recovery and reintegration of child victims. We urge governments to establish appropriate mechanisms for the effective implementation of these laws. We also seek the assurance that religious communities are enabled to participate formally in these mechanisms. Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability.”

⁵ Such as female genital mutilation, early marriage and accusing children of witchcraft.

⁶ See European Network of Ombuds for Children position papers on violence against children at <http://www.crin.org/enoc/papers/index.asp>.

Parliamentary Assembly of the Council of Europe presses for better laws to protect children from sexual abuse

In support of the Council of Europe campaign to stop sexual violence against children, launched in November 2010, the Assembly established a network of “contact parliamentarians” to act as an interface with national parliaments of each Member State, developed a handbook for Parliamentarians, and pressed for better laws to protect children, spread good practice and organize awareness-raising events across Europe.

20. As the above developments confirm, law reform is an area where progress is taking place. Vigorous efforts are, however, urgently needed. Firstly, efforts to introduce a comprehensive legal ban need to be scaled up: globally, fewer than 5 per cent of children are legally protected from all forms of violence in all settings. Several Governments have made commitments to adopt legislation to introduce such a comprehensive ban;⁷ when such commitments are followed through, the total number of prohibiting States worldwide will be at least 50, covering around 15 per cent of the global child population.

21. Secondly, in countries where a full legal ban has been adopted, further efforts are required to narrow the gap between law and practice. Legislation needs to permeate the work of institutions and shape the training and ethical standards of professionals working with and for children. Implementation needs to be supported by awareness-raising and social mobilization initiatives for the public at large, and children in particular. The development of easily accessible, child-sensitive, confidential and independent counselling and reporting mechanisms to address incidents of violence also need to be promoted. This is an area where progress is urgent, both to provide an effective remedy to child victims and to overcome the challenges presented by the invisibility and social acceptance of violence and the reluctance of professionals working with and for children to address or refer these cases to relevant bodies and institutions.

22. Building upon the commitments made by countries in all regions, and informed by good practices and lessons learned, law enactment and enforcement is an area where progress is within reach. To further consolidate this trend, in 2011, the Special Representative will host with the Office of the United Nations High Commissioner for Human Rights (OHCHR) an expert consultation in this area.

C. Research and a consolidated data system to inform violence prevention and response

23. Widely perceived as a social taboo, an accepted practice or a needed form of discipline, violence against children is seldom reported; furthermore, official statistics remain limited in their ability to capture the full extent of this phenomenon wherever it occurs. As a result, available information is scarce and only reflects the tip of the iceberg.

24. Without reliable data, national planning is compromised, effective policymaking and resource mobilization are hampered and targeted interventions limited in their ability to prevent and combat violence against children.

25. This is an area where urgent action is required and to which the Special Representative pays priority attention. Existing data sets on children provide a basis to build upon, but they need to be integrated beyond sectors and individual disciplines, to

⁷ At least 23 States have pledged to adopt a comprehensive legal ban; in some cases, draft bills are being considered by national parliaments.

promote a holistic consideration of the child. Gaps in child protection areas need to be addressed and monitoring tools and indicators expanded to cover boys and girls of all ages and in all settings, and to identify those at greatest risk. Moreover, these efforts need to incorporate children's views and perspectives, and capture their experience, and dynamic and evolving agency. This is crucial to understand the hidden face of violence and to address its root causes effectively.

26. During the sixty-fifth session of the General Assembly, the Special Representative hosted a panel discussion on the role of data and research in overcoming the hidden nature of violence, in raising awareness of its serious impact on children, and in supporting the development of evidence-based legislation, policies and actions for violence prevention and response, and for the protection of child victims. The panel was co-organized with OHCHR and the United Nations Children's Fund (UNICEF), and supported by the Governments of Sweden and Brazil. The meeting provided an important platform to reflect on strategic lessons from national experiences and to present the preliminary findings of the UNICEF report entitled "Child Disciplinary Practices at Home: Evidence from a Range of Low and Middle-Income Countries".

27. Violence in all its forms affects the life of millions of children around the world; however, as has been learned from the many successful initiatives promoted across regions, it is not inevitable. Violence can be prevented and effectively addressed. With a strategic national agenda, strong and effective legislation and sound data and evidence to understand risk factors and inform policy decisions, a world without violence can be realized. These will therefore remain areas of priority concern for the Special Representative.

III. Strategic partnerships and institutionalization of regional governance structures to accelerate progress

28. The Special Representative remains committed to strengthen further strategic alliances for the protection of children from all forms of violence with key partners, within and beyond the United Nations system. In this regard, important institutional collaboration mechanisms have been set in place to support her mandate. These include the Inter-Agency Working Group on Violence against Children, the NGO Advisory Council for follow-up to the United Nations study, and regional governance structures established in support of follow-up to the study.

A. Cooperation with the United Nations system

29. The Special Representative has given high priority to the promotion of enhanced forms of synergy with United Nations partners. This collaboration has been crucial to raise awareness of and broaden global support for children's protection from violence, to promote the mainstreaming of this issue in United Nations activities, and also to generate policy debate through the organization of strategic panel discussions with key partners on areas of critical concern. The side events held by the Special Representative during the sixty-fifth session of the General Assembly illustrate this well, including those on the consolidation of data and research on violence against children and on the impact of violence in early childhood.

30. Strong and fruitful cooperation has been developed with the Special Representative of the Secretary-General for Children and Armed Conflict, with whom regular meetings are held to exchange information and discuss areas for mutually supportive collaboration, including the promotion of joint initiatives and missions. The two special representatives organized a commemorative event to mark the tenth anniversary of the adoption of the

Optional Protocols to the Convention on the Rights of the Child and to launch a global campaign aiming at their universal ratification by 2012.

31. The campaign for the universal ratification of the Optional Protocols was launched with the Secretary-General, at Headquarters, and is pursued in close cooperation with UNICEF, OHCHR and the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography. In the light of her mandate, during this two-year campaign, the Special Representative places a special focus on achieving global adherence to the Protocol on the sale of children, child prostitution and child pornography. As at 15 December 2010, the Protocol was in force in 142 countries,⁸ and more than 80 per cent of those who have not yet ratified it are parties to the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO), a treaty with legal obligations to fight the sale of children, trafficking and sexual exploitation of children. Several of the remaining countries have also formally committed to ratification, including in the context of the universal periodic review of the Human Rights Council.

32. Advancing the aims of the campaign has been a constant concern in the Special Representative's global advocacy and field missions. The campaign has received wide support from Member States, United Nations agencies and civil society organizations. The goal of universal ratification was incorporated in the policy agenda of high-level United Nations initiatives, including the United Nations Global Plan of Action to Combat Trafficking in Persons⁸ and the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, adopted on 11 May 2010 at The Hague Global Child Labour Conference. Moreover, the launch of the campaign has been followed by the adherence to the Protocol by an increasing number of States. Efforts to advance progress in this field will be pursued in 2011.

33. In her collaboration with United Nations bodies, the Special Representative has built upon existing inter-agency mechanisms, in particular the Inter-Agency Working Group on Violence against Children, of which ILO, OHCHR, UNICEF and the World Health Organization (WHO) are core members. The Working Group is a critical forum for consultation, promotion of policy formulation and mainstreaming of concerns relating to violence against children within the agenda of the United Nations system.

34. The protection of children from violence is a key dimension of the UNICEF mandate. In this context, firm collaboration has been pursued with the Fund at Headquarters and across regions to advance the follow-up to the United Nations study recommendations and to mainstream the protection of children from violence in national policy agendas. A critical aspect of this process is the follow-up to the Third World Congress against Sexual Exploitation of Children and Adolescents. In this connection, the Special Representative took part in the review meeting of the Organizing Committee, held in Bangkok in October 2010. The meeting, organized with the participation of UNICEF, the Governments of Brazil and Thailand, ECPAT International, other civil society organizations and young representatives from the Mekong region, highlighted the urgency of accelerating progress in the implementation of the Rio de Janeiro Call for Action, and achieving the time-bound targets agreed upon by the Congress, in the overall framework of the study follow-up and the Special Representative's mandate.

35. Collaboration with UNICEF has been critical in strengthening national child protection systems, preventing and addressing violence in early childhood⁹ and

⁸ General Assembly resolution 64/293, annex, para. 4.

⁹ Implementing child rights in early childhood was the thematic focus of the Third Committee at the sixty-fifth session of the General Assembly.

consolidating data and research on violence against children. With its report entitled “Child Disciplinary Practices at Home”, UNICEF provided new evidence on the widespread incidence and social acceptance of psychological aggression and physical punishment. The report showed that, in most countries, non-violent disciplinary practices are more common than violent discipline, and the majority of caregivers do not think there is a need to resort to such violent methods in child-rearing; moreover, when positive parenting behaviour is promoted, there is room for more positive discipline and for violence prevention. The preliminary findings of the report were presented during a panel discussion hosted by the Special Representative during the sixty-fifth session of the General Assembly.

36. OHCHR plays a decisive role in strengthening the human rights foundation of the process of implementation of the study recommendations. In partnership with the Special Representative, OHCHR hosts strategic consultations on areas of priority concern, including, in September 2010, a meeting on child-sensitive counselling, complaint and reporting mechanisms, and an upcoming meeting in 2011 on law reform. Its role has been essential in strengthening cooperation with human rights treaty bodies, particularly the Committee on the Rights of the Child, and with the special procedures of the Human Rights Council, especially the Special Rapporteur on the sale of children, child prostitution and child pornography,¹⁰ and the Special Rapporteur on the right to education. OHCHR supports the Special Representative’s meetings with the Working Group on Violence against Children, with national independent institutions for the promotion and protection of human rights, and with civil society partners, including the NGO Advisory Council and the NGO Group on the Convention on the Rights of the Child.

37. The valuable role played by counselling, complaint and reporting mechanisms for children’s protection from violence was given significant attention by the Human Rights Council, at its thirteenth session, in a panel discussion on the protection of children from sexual violence, in which the Special Representative on violence against children participated. In its resolution 13/20, the Council strongly condemned all forms of sexual violence and abuse of children and urged States to adopt safe, confidential and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence. It also invited the Special Representative and the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a joint report on that topic. To support the development of the report, the Special Representative organized with OHCHR an expert consultation in September 2010. Guided by relevant international human rights standards and commitments, participants in the meeting recommended the development of such mechanisms in all countries as a core component of a robust national protection system, calling for a well-defined mandate and adequate skills and resources to allow the provision of child-sensitive advice and speedy assistance to children in need, and the upholding of clear safeguards that could be trusted by children, and offer counselling and support in an ethical, safe and confidential manner.

38. WHO remains a critical partner in the process of follow-up to the United Nations study. Violence prevention and the promotion of sound evidence, two priority recommendations of the study, are high on the WHO agenda, as illustrated by its work in the prevention of sexual violence against girls, the development of new estimates on the prevalence and health impact of child maltreatment, and the promotion of national surveys in this field. In 2011, collaboration will be pursued in these areas, with particular emphasis on data collection and analysis of violence against children in the home and the community.

39. The Special Representative strengthened further her collaboration with ILO in the protection of children from violence in the workplace and in other labour-related activities.

¹⁰ See A/HRC/12/47.

In May 2010, she participated in The Hague Global Child Labour Conference (see paragraph 32 above), which marked the tenth anniversary of the entry into force of ILO Convention No. 182, and adopted a road map for achieving their elimination by 2016 (see box below). The Conference provided a high-level forum for the Special Representative's advocacy in favour of the protection of children from violence and abuse and in support of the global campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child.

Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016

The Roadmap provides a strategic agenda to overcome the worst forms of child labour, so often associated with violence against children. It calls on the universal ratification of international standards aiming at children's protection from violence, abuse and exploitation, namely ILO Convention No. 182 and the Optional Protocols to the Convention on the Rights of the Child. It promotes efforts to safeguard children's freedom from violence, including from sale, child prostitution and pornography, and places special emphasis on three areas of priority concern for the Special Representative's mandate: the implementation of comprehensive, well-coordinated and well-resourced national plans of action; the development of legislation to combat all forms of violence, including in work-related settings; and the consolidation of data and research to break the conspiracy of silence around child rights violations and to monitor progress in implementation. With the convergence of these mutually supportive actions, and benefiting from the renewed commitment of Governments to accelerate progress in these areas, there is an undeniable potential to enhance children's protection from violence and to prevent its occurrence in work-related settings.

40. Another area of common concern is the development of new ILO standards to ensure decent work for domestic workers. The Special Representative continues to support this process, which opens avenues for strengthening children's protection from exploitation in domestic service and from any form of violence associated with it. Child domestic workers, especially girls, are highly vulnerable to violence. Working in private households, often far from their own homes and with little or no protection or social support, they are exposed to excessive working hours, hazardous tasks, social stigma and discrimination, physical and emotional violence, as well as sexual abuse.

B. Cooperation with United Nations human rights treaty bodies and mechanisms

41. Close collaboration with human rights bodies and mechanisms has remained critical to the pursuit of an integrated approach to children's protection from violence and to capitalizing on synergy across mandates, in the overall context of the implementation of children's rights standards and commitments.

42. The Special Representative's cooperation with the Committee on the Rights of the Child is particularly relevant. The United Nations study was developed at the request of the Committee and is rooted in its work on the implementation of the Convention on the Rights of the Child. The Committee has devoted special attention to violence against children in thematic debates, general comments and when considering States parties' reports. At present, all concluding observations include a specific section on the follow-up to the study and on cooperation with the Special Representative. This strategic collaboration has been particularly fruitful in advancing areas of shared concern, including the campaign for the

universal ratification of the Optional Protocols to the Convention, the promotion of advocacy and law reform to combat all forms of violence against children, and the development of child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence. The Committee's general comment on article 19 of the Convention¹¹ is another crucial dimension of this strategic partnership.

43. Collaboration with the special procedures of the Human Rights Council has been equally important in the promotion of useful sharing of information, the identification of good practices and cross-fertilization of experiences, allowing for the promotion of mutually supportive activities for violence prevention and elimination. In this regard, cooperation with the Special Rapporteur on the sale of children, child prostitution and child pornography has been of particular relevance, including in the development of the joint report on child-sensitive counselling, complaint and reporting mechanisms requested by the Council.¹²

C. Cooperation with intergovernmental and regional organizations and institutions

44. Collaboration with regional partners is the cornerstone of the Special Representative's strategy to consolidate implementation of the United Nations study recommendations within and across countries. To advance this process and institutionalize critical alliances, the Special Representative has participated in strategic, high-level regional meetings, supported significant advocacy and policy dialogue initiatives, and promoted strengthened partnerships with regional institutions and organizations, as well as with regional mechanisms established to support follow-up to the study.

45. Significant progress has been achieved in the above-mentioned area. Firstly, important regional political commitments have been made with regard to violence against children. As a result, the issue of protection of children from violence has gained centre stage, including in the 2009 Cairo Declaration (see paragraph 10 above), the Declaration of Buenos Aires adopted at the Twelfth Ibero-American Conference of Ministers and Authorities Responsible for Children, the South Asian Initiative to End Violence against Children, the Beijing Declaration on South-South Cooperation for Child Rights, the Marrakesh Declaration adopted at the Fourth High-level Arab Conference on the Rights of the Child, the Council of Europe Strategy for 2009–2011 "Building a Europe for and with Children", as well as in the European Union Guidelines for the Promotion and Protection of the Rights of the Child and the Implementation Strategy on Violence against Children.

46. Secondly, there has been growing institutionalization of regional governance structures and regional initiatives to promote and monitor progress in the follow-up to the United Nations study recommendations. Leading regional institutions play a pivotal role in moving this agenda forward, including the Sub-Committee on Violence against Children of the League of Arab States (LAS), the Governing Board of the South Asian Initiative to End Violence against Children, the Platform on Children's Rights of the Council of Europe, the Latin American and Caribbean Chapter of the Global Movement for Children, the African Union Commission for Social Affairs and the African Committee of Experts on the Rights and Welfare of the Child.

¹¹ CRC/C/GC/13.

¹² A/HRC/16/56.

1. African Union and the African Committee of Experts on the Rights and Welfare of the Child

47. The meetings held in 2009 with the African Union Commissioner for Social Affairs and the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child opened avenues for sound institutional collaboration, including mapping positive initiatives across the region, supporting legislative reforms and consolidating national information and data systems on violence against children.¹³ This collaborative framework was further strengthened in 2010 by the thematic debate on violence against children, held by the African Committee with the association of the Special Representative. At the meeting, an agreement was reached on a strategic follow-up through enhanced advocacy to protect children from violence and promote positive alternatives to violent discipline; support for legislative and policy reforms to ban all forms of violence; the development of an African report on this issue; and the inclusion of the protection of children from all forms of violence in the agenda of a future summit of African Heads of State and Government.

2. Organization of American States and its specialized organs on the rights of the child, the Ibero-American Community and the Latin American and Caribbean Chapter of the Global Movement for Children

48. Guided by the important deliberations of the XX Pan American Child Congress,¹⁴ significant steps were taken to consolidate regional partnerships with the Organization of American States (OAS) and the Ibero-American Community.

49. Within OAS, strategic collaboration was pursued with the Inter-American Children's Institute and the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights, with whom a joint report is being prepared on violence in care and justice institutions.

50. The Twelfth Ibero-American Conference of Ministers Responsible for Children and Adolescents, held in June 2010 in Buenos Aires, provided an important platform to strengthen children's protection from violence. The Conference, in which the Special Representative participated, addressed the role of education in the promotion of children's social inclusion. The Buenos Aires Declaration recommended the development of effective laws and policies to combat violence against children, in line with the recommendations of the United Nations study. Violence against children was also identified as a priority concern for future ministerial meetings.

51. A strategic plan of action on violence against children for 2010–2012 was also agreed upon with the Latin American and Caribbean Chapter of the Global Movement for Children. This joint strategy supports the organization of three high-level subregional meetings in South America, the Caribbean and Central America, and the development of an analytical overview of national initiatives of follow-up to the United Nations study. These initiatives open avenues for strengthened collaboration with Governments in the region and will help to mobilize support for the adoption of a legal ban on all forms of violence against children, the development of a comprehensive national strategy and the consolidation of research and data in this field.

¹³ See also A/65/262, paras. 111–113.

¹⁴ *Ibid.*, paras. 89–93.

3. League of Arab States and its Steering Committee on Violence against Children

52. The Special Representative has further strengthened her cooperation with LAS and its Steering Committee on Violence against Children. The Committee was established to coordinate efforts and review progress in the implementation of the recommendations of the United Nations study, promote a comprehensive regional study to capture national developments aiming at the prevention and elimination of violence against children, and identify areas where the process of national follow-up could be further enhanced. Law reform was one such area, and a technical workshop was held to advance progress in the region on the introduction of a national legal ban on all forms of violence.

53. The LAS study provides a strong foundation to inform legal and policy reforms, and to support institutional developments on violence against children. Its preliminary findings were presented during a high-level meeting, hosted in June 2010 by the Government of Lebanon, and subsequently submitted to the Fourth High-level Arab Conference on the Rights of the Child, hosted by the Government of Morocco, in December 2010. The findings also informed the Marrakesh Declaration, adopted on that occasion, calling for the implementation of the recommendations of the United Nations study, in close cooperation with the Special Representative and UNICEF, and highlighting key areas of concern, including the development of national strategies to combat violence against children, the establishment of a national follow-up and reporting mechanism, the enactment of legislation to protect children from violence, neglect, ill-treatment and exploitation, the provision of services to support victims, and measures to combat impunity.

4. South Asian Initiative to End Violence against Children

54. The Special Representative has established a firm institutional collaboration with the South Asian Initiative to End Violence against Children, having participated in the first meeting of its Governing Board as well as in the technical workshop on law reform, both held in Kathmandu in November 2010. The meetings reflected on significant national developments and prevailing challenges and were aimed at strengthening regional cooperation in the elimination of violence against children. They also provided an opportunity to review opportunities for the introduction of a legal ban on all forms of violence against children.

55. The Initiative was formed in 2010 to guide the process of national implementation of the recommendations of the United Nations study. Its strategic plan for 2010–2015 includes time-bound targets to help to monitor periodic progress achieved. This process is overseen by the Governing Body, comprising national coordinators representing the eight Governments in the region, and with leading coordinating responsibilities at the national level, two representatives from civil society organizations and two representatives from the Regional Child Participation Network.¹⁵ The process under way aiming at the institutionalization of the collaboration with the South Asian Association for Regional Cooperation will open avenues to further strengthen the protection of children from violence in the region.

56. The Special Representative's cooperation with the Initiative provided a strategic occasion to strengthen cooperation with critical partners in South Asia, including the South Asian Association for Regional Cooperation, national governments, United Nations agencies and international and national civil society organizations, as well as with community-based organizations and children's advocates on violence against children. It

¹⁵ The South Asia Coordinating Group on Action against Women and Children, which includes United Nations agencies and international and regional non-governmental organizations, participates in the Governing Body through its Chairperson.

also provided an important platform to review, with members of the Constituent Assembly in Nepal, ongoing efforts to include child rights and children's protection from violence in the new Constitution.

5. Asia and Pacific region, including the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights and the Commission for the Promotion and Protection of the Rights of Women and Children

57. The Special Representative participated in the High-level Meeting on South-South Cooperation for Child Rights in the Asia Pacific Region, held in Beijing in November 2010. Attended by representatives of Governments from the region, United Nations agencies and critical organizations and institutions, the meeting was a strategic opportunity to share national experiences and reflect on good practices and lessons learned to enhance the realization of children's rights.

58. The protection of children from violence was central to the above high-level discussions. The Beijing Declaration adopted at the Meeting calls for a systematic approach to addressing child protection concerns on the basis of laws and policies that safeguard children from potential harm and ban all forms of violence against children. It also expresses the commitment to strengthen adequately-resourced national child protection and welfare systems and mechanisms, including the prevention of violence, the establishment of timely and appropriate responses and the mitigation of impact on children and their families of such protection concerns. A follow-up process has also been anticipated, and a ministerial meeting will be held in India, in 2013.

59. The Special Representative also developed a significant platform of cooperation with the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights and the recently established Commission for the Promotion and Protection of the Rights of Women and Children. These institutions play a critical role in the promotion and protection of human rights in the ASEAN region, including through public awareness, the review of legislation, policies and practices, the consolidation of data and development of studies, and the sharing of experiences and good practices to foster the protection of children's rights. This partnership opens clear avenues for broadening the implementation of the recommendations of the United Nations study among ASEAN member countries, and for supporting developments in other regions. These are goals the Special Representative will continue to promote.

6. Council of Europe

60. The Special Representative pursued her very fruitful collaboration with the Council of Europe. As noted above, violence against children is a key priority for the Council, which is the European forum for follow-up to the recommendations of the United Nations study and cooperation with the Special Representative.

61. To advance the process of implementation of the Council's policy guidelines on integrated national strategies for the protection of children from violence (see paragraph 11 above), a follow-up meeting was hosted by the Government of Austria, in Vienna. The meeting was a timely occasion to review Member States' experiences, reflect on lessons from initiatives within and across countries, and learn from developments in other regions of the world.

62. On 17 November 2010, the Committee of Ministers of the Council adopted the Guidelines on Child-Friendly Justice, to ensure children's access to a justice system that is age-sensitive, speedy, diligent and respectful of the rights of the child, and to protect those involved from harm, intimidation and secondary victimization. The Guidelines establish important standards to inform counselling, reporting and complaint mechanisms for

incidents of violence. They provide a key reference for the Council's Campaign to Stop Sexual Violence of Children, launched with the Special Representative in late November 2010. The aim of the campaign is to raise awareness and offer knowledge and advice to families and children on the prevention and reporting of incidents of sexual violence against children.

7. European Union

63. The Special Representative also pursued collaboration with the European Union,¹⁶ with a view to advance the development of the European Union strategy on the rights of the child, under preparation by the Commission, and the further implementation of the 2007 European Guidelines for the Promotion and Protection of the Rights of the Child and its strategy to fight violence against children.

64. In November 2010, the Special Representative met the Vice President of the European Commission, Viviane Reding. The meeting was a strategic opportunity to address areas of shared concern, including the inclusion of children's protection from violence in the above-mentioned strategy on the rights of the child, the consolidation of legislation and other actions for the protection of girls from harmful practices, and the safeguard of the rights of child victims of incidents of violence.

65. The Special Representative also held important meetings with senior officials in the Commission and the Council, as well as with members of the European Parliament, to discuss opportunities for cooperation to consolidate children's protection from violence in internal and external action by the European Union. In the framework of the partnership developed with the European Union Fundamental Rights Agency, the Special Representative participated in the conference on the theme "Ensuring justice and protection for all children", held in Brussels on 7 and 8 December 2010, and organized with the Belgian Presidency of the European Union. Attended by a vast network of Government officials, academics and child rights experts, intergovernmental and civil society, the meeting gave prominent attention to violence prevention and the promotion of ethical and child-sensitive approaches to counselling and support for child victims of violence.

D. Cooperation with civil society, including children and young people

66. Collaboration with civil society has been critical in advancing implementation of the United Nations study recommendations, including through its association with regional follow-up processes and involvement in expert discussions on key dimensions of this agenda. Cooperation has been greatly facilitated by the establishment of the NGO Advisory Council and its advocacy and social mobilization efforts with partners at the international, regional and national levels.

67. The Special Representative's periodic meetings with the Advisory Council have informed her of civil society initiatives on the implementation of study recommendations, allowing her to consider strategic areas where progress can be further achieved and to identify opportunities for enhanced cooperation. Collaboration has been particularly fruitful in advancing the global campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child, providing support for legal reforms to ban all forms of violence against children, promoting child-sensitive counselling, reporting and complaint mechanisms, advocating for the elimination of inhuman sentencing and strengthening child participation in violence prevention and responses.

¹⁶ See also A/65/262, paras. 117–120.

68. Regular meetings have also been held with the NGO Group for the Convention on the Rights of the Child and its working group on children and violence to promote the mainstreaming of the United Nations study recommendations in the work of human rights bodies and mechanisms and to enhance understanding of the incidence of violence within specific settings, including in education, care and protection, and in justice institutions.

69. Collaboration with civil society organizations at the regional and national levels has also been significant. These organizations are indispensable supporters of awareness-raising and social mobilization in favour of children's protection from violence. With the consolidation of existing networks, often involving representatives from community-based organizations and, at times, also child-led organizations, an increasing understanding has been gained on emerging and widespread forms of violence, as well as on socially accepted practices, and on ways of promoting their effective and lasting abandonment with the involvement of communities concerned.

70. Significant cooperation has been strengthened with Child Helpline International, including through the Special Representative's participation in its international consultation, held in Madrid in October 2010. Present in more than 120 countries, child helplines play a critical role in children's protection from violence, allowing children to speak to someone in confidence, directly and anonymously; they are often the first point of entry into the child protection system. Violence is the main reason why children contact helplines around the world. As a result, these institutions also constitute a crucial source of information on violence-related issues.

Cooperation with young people

71. The participation of children in follow-up processes to the United Nations study is a core dimension of the Special Representative's mandate. For this reason, regular meetings have been held with children and young people, including in the framework of regional initiatives and field missions.

72. Across regions, violence is a key concern for children. In some cases, this phenomenon was identified as their most critical concern.¹⁷ Children report widespread levels of violence, including neglect, ill-treatment and sexual abuse, within the school and in the home. They express fear and concern at the lack of information on what to do and where to go when violence takes place, and they feel deeply disappointed when their suffering and trauma are met with indifference and inaction.

73. At the same time, children show remarkable resilience, having become true agents of change. Through school debates and community events, radio programmes and street drama, cartoons, blogs and social media, they help to raise awareness among other children and their families about violence and its serious and long-lasting impact. They generate solidarity and support for child victims, and they instil the confidence necessary to report incidents of violence and to press for speedy and lasting solutions.

74. The strong commitment of and crucial role played by young people have been instrumental in reducing the invisibility of violence, mobilizing public attention and generating action and debate. Their voices and influence have been further consolidated through the development of national and regional networks of child-led organizations involved in advocacy for children's protection from violence. As noted elsewhere in the

¹⁷ Such as in the Pan-American Child Congress, held in 2009 in Peru, and also in a crucial finding of a survey conducted by the European Union with young people (European Commission Flash Barometer 2009).

present report, child-led initiatives and networks are also often represented in regional governance structures established for the study follow-up.

75. The West Africa Youth Forum on Violence against Children illustrates the above point well. The Forum held an important meeting in Accra, in September 2010, in which the Special Representative participated. Attended by young people from countries across the region, it provided an excellent platform for sharing experiences, reflecting on critical factors hampering progress and reaffirming a shared commitment to promote change and enhanced collaboration in the prevention and elimination of violence.¹⁸ Discussions with children yielded first-hand accounts of their experience and perspectives on violence, as well as information on significant initiatives conducted in the region and on opportunities for enhancing child participation in the follow-up to the United Nations study.

76. Reiterating its determination to “Say no to violence against children”, the Forum made significant recommendations, including on the essential role of education in violence prevention and for the abandonment of cultural practices that help to perpetuate violence; on the need to secure effective legal protection from violence to fight impunity and punish perpetrators; and on the urgency of strong legislation to prohibit all forms of violence and give confidence to children to report incidents of violence whenever they occur. The participants also called on the Special Representative to urge the United Nations and all leaders and Governments to express their commitment to and support for every campaign to end all forms of violence against children.

IV. Securing support

77. Securing sound support and predictable funding has been indispensable to promote progress in the present strategic agenda, and remains critical to ensure effective and independent performance of the Special Representative’s mandate.

78. In accordance with General Assembly resolution 62/141, the mandate of the Special Representative is funded from voluntary contributions. In this connection, the Assembly called upon States and institutions concerned, United Nations agencies and entities, regional and civil society organizations and the private sector to provide necessary support, including financial contributions. The Assembly also anticipated the evaluation of the mandate three years after its establishment, including with regard to its funding.

79. UNICEF provides administrative support for the mandate, having established a trust account to receive, hold, administer and disburse financial contributions provided to fund the operation of the Office of the Special Representative, including payment for personnel costs.

80. Initial contributions received by December 2010 have been crucial to relaunch and promote the process of follow-up to the United Nations study, and to secure indispensable office support. Additional funding remains, however, critical to allow the Special Representative to effectively pursue her role as a global, independent advocate for violence prevention and children’s protection from all forms of violence; to advance progress in the priority areas identified in her strategic agenda, including through strategic expert meetings, outreach activities and research initiatives; and to consolidate critical alliances and the further institutionalization of regional governance structures in support of this process. Firm support from strategic partners will be indispensable to achieve these critical goals.

¹⁸ The Forum was organized by Plan International in collaboration with Save the Children Sweden and with the support of UNICEF, ActionAid, World Vision, ECPAT and War Child Holland.

V. Looking ahead

81. The overall thrust of the Special Representative's mandate is to accelerate progress in the implementation of the United Nations study recommendations and in children's protection from violence. To advance this process steadily and achieve lasting change in the priority areas of the mandate, during the first year of the mandate attention was focused on the revitalization of networks involved with the development of the study, the promotion of new alliances and further consolidation of strategic partnerships, and particularly on the institutionalization of regional governance structures to combat violence against children.

82. Significant developments marked the first year of the mandate. These include legislative and policy measures taken at the national level to protect children from violence, strategic initiatives by United Nations agencies to mainstream countering violence against children in their agenda, and critical strides by regional organizations and political groups, as well as civil society organizations, to institutionalize the implementation process of study recommendations.

83. Across regions, violence against children is generating growing concern and attention, in many cases supported by a wide process of social mobilization in which children themselves are playing an indispensable role. At the same time, however, violence continues to affect the life of millions of children. Hidden and socially accepted, and still too often perceived as a necessary form of discipline, violence remains surrounded by passivity and indifference, and is associated with weak reporting, and fragmented and short-term interventions. As a result, it is seldom considered beyond the periphery of the policy agenda. In this ambivalent context, children find themselves overwhelmed by fear, trauma, isolation and helplessness.

84. Clearly, the urgency of safeguarding children's freedom from violence has not weakened and it is imperative that the pace of progress made so far be consolidated. The second year of the mandate will therefore be a critical period for rallying firm and steady support to address persisting challenges, and to speed up global progress towards a world free from violence.

85. With this aim, and in the overall framework of the priorities of her mandate, in 2011 the Special Representative will place special emphasis on the areas described below.

A. Towards universal ratification of the Optional Protocols to the Convention on the Rights of the Child

86. 2011 is the middle year of the global campaign for the universal ratification of the Optional Protocols. It is therefore a crucial time to strengthen advocacy and policy dialogue to foster adherence to these treaties and to consolidate their effective implementation. Encouraged by the wide expression of support for the global campaign, which is rooted in significant commitments made by the international community, the Special Representative will promote actively the achievement of these goals.

B. Global survey to assess progress in the prevention and elimination of all forms of violence against children

87. 2011 is the mid-term of the Special Representative's mandate, and also marks five years since the review of the United Nations study by the General Assembly. It therefore offers a strategic opportunity to gain a perspective on the progress achieved, reflect on good

practices and factors of success, and boost efforts to overcome persisting challenges and promote a paradigm shift in children's protection from violence.

88. With this in mind, the Special Representative will conduct a global survey to map and assess progress in the implementation of the study recommendations. The survey will be promoted in close collaboration with partners, including Member States, United Nations agencies, regional organizations and institutions, and civil society and children's organizations, and will build upon relevant initiatives and regional and global processes, including the universal periodic review process of the Council, the reporting process to the Committee on the Rights of the Child, and the follow-up to the world conferences against the sexual exploitation of children and adolescents.

C. Emphasis on violence in education and justice-related areas

89. As noted in the United Nations study, and confirmed during the Special Representative's missions to all regions, violence against children knows no geographic, cultural or economic bounds; it affects boys and girls of all ages, and occurs in all settings, including where children are expected to benefit from special care and protection.

90. Through global advocacy, awareness-raising and policy dialogue initiatives, the Special Representative will continue to promote vigorously the implementation of the study recommendations, including by consolidating progress in her three strategic areas of concern. In this overall framework, in the immediate future, special emphasis will be placed on preventing and addressing violence against children in two particular settings: education and the administration of justice.

1. Violence and education

91. In many countries, initiatives to prevent and address violence against children in education are building momentum. Some key components of this significant process of change include campaigns to foster learning without fear and to address specific forms of violence, including bullying, cyber-bullying and gender violence; school audits and broad participatory debates to inform the development of ethical standards and encourage child-sensitive counselling, reporting, mediation and victim assistance; data and research to address the root causes of violence and support children at risk; and law reform to prohibit all forms of violence in education.

92. Schools are uniquely placed to break patterns of violence and provide skills to communicate, negotiate and support peaceful settlements of conflict. Education has a unique potential to generate a positive environment where attitudes condoning violence can be changed and non-violent behaviour can be learned. This is relevant for all ages, but particularly during early childhood. An environment free from violence in all its forms, including gender-based violence, is also instrumental in the promotion of the Millennium Development Goals, particularly in ensuring universal primary education to all children and eliminating gender disparity in education.

93. Unfortunately, however, this unique potential stands in stark contrast with the daily reality of millions of children. Within and around educational settings, both girls and boys continue to be exposed to violence, including verbal abuse, intimidation, physical aggression and, in some cases, sexual abuse. At times, they are also victims of gang violence and assault.

94. Violence not only has a negative impact on child victims; beyond those directly affected, it also generates fear and insecurity among students, hampering their learning opportunities and overall well-being. This situation raises families' anxiety and concerns, at

times fuelling pressure to keep children, particularly girls, away from school and encouraging dropping out of school as a means of preventing further violence and harm.

95. Framed by these critical dimensions, in 2011, the Special Representative will host, in cooperation with key partners, an expert consultation on the prevention and elimination of violence in education.

2. Violence and the administration of justice

96. Protection of children from violence within the justice system will be another topic of special concern. As highlighted at the twelfth United Nations Congress on Crime Prevention and Criminal Justice, and confirmed by numerous initiatives promoted across regions, this is an area where significant steps are needed to narrow the gap between international human rights standards and the reality on the ground, and where there is great potential to capitalize on significant experiences in different parts of the world, including the development of child-friendly justice procedures and mechanisms, the promotion of child-sensitive materials, the establishment of independent monitoring mechanisms to uphold children's rights, and the consolidation of evidence to inform the development of laws, policies and programmes.

97. A justice system based on the respect of the rights of the child is critical when preventing and addressing incidents of violence against children. Child victims of violence, including as a result of trafficking and exploitation, are, however, still too often criminalized and deprived of the protection that they should enjoy as children. Marginalized children, including those living in poverty, migrants and asylum-seekers face risks of physical, psychological and sexual violence, are denied access to legal assistance, or placed in detention instead of benefiting from adequate care arrangements. Frequently considered the first option rather than a measure of last resort, the deprivation of liberty remains a reality for thousands of children. Violence, including torture and humiliating treatment, is used as a form of control, discipline and punishment; in some countries, sentencing can include caning, flogging, stoning or amputation, as well as capital punishment and life imprisonment.

98. The situation of these children remains surrounded by stigma. There is little information on those deprived of liberty and on the reasons behind their detention; independent monitoring mechanisms are seldom available to safeguard their protection and address their complaints. Sensationalistic information and ill perception of growing juvenile delinquency build social pressure to criminalize children and adolescents, and for the introduction of an increasingly lower minimum age of criminal responsibility and harsher measures of deprivation of liberty. As a result, a culture of tolerance to violence against children persists, and the fight against impunity for acts of violence against children is confronted with renewed challenges. These are critical concerns that the Special Representative will address in the context of her mandate, missions and supported regional initiatives.

99. The Special Representative looks forward to continuing to collaborate closely with Member States and all other relevant stakeholders to consolidate the implementation of the United Nations study recommendations and achieve children's freedom from violence in all its forms.