

Accountability for the Post-2015 Targets on Violence against Children



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Methodology

This report was prepared through a desk study to obtain an overview of relevant international and regional human rights treaties and mechanisms to determine the extent to which these human rights commitments are aligned with the proposed targets on violence against children included in the Sustainable Development Goals. A literature review and interviews with key stakeholders on ways in which human rights mechanisms could be used to create accountability for SDG commitments were also carried out.

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Executive Summary

The role that existing monitoring, reporting and accountability mechanisms for international and regional commitments can play in the implementation of the forthcoming Sustainable Development Goals (SDGs) has been highlighted by a range of actors, including the UN Secretary General. These mechanisms offer the opportunity to access existing systems that can support the review of progress against the new Sustainable Development Goals and would be complementary to any other mechanisms that are specifically created at the national, regional and global levels for this purpose.

This paper considers the case of the SDG targets on violence against children and the potential to use existing monitoring and reporting mechanisms to:

- track progress on the SDG targets on violence against children
- involve a range of stakeholders in doing so and
- provide accountability for the promises made to children in this area.

Violence against children issues have been included in the SDG framework in a number of ways, both as an issue in its own right and as a range of more specific issues such as early marriage and violence in schools. Given the importance of these issues for children it is imperative to ensure that progress on them is properly tracked so that adjustments can be made where necessary as implementation moves forward. Fortunately a range of existing human rights and other mechanisms exist with the potential to provide open, accessible, participatory and inclusive review of progress on these targets. These reflect the fact that the proposed targets correspond to existing obligations already accepted by most governments under international and regional human rights law.

Nevertheless, although States have assumed legal obligations to end violence, abuse, exploitation and neglect of children by ratifying a wealth of international and regional human rights treaties, the daily reality of children remains bleak and commitment not sufficient. It is estimated that between 500 million and 1.5 billion children experience violence annually.¹ Around 120 million girls under the age of 20 (about 1 in 10) have been subjected to forced sexual intercourse or other forced sexual acts at some point in their lives.² Every year, roughly 6 in 10 children between the ages of 2 and 14, or nearly a billion children worldwide, are regularly subjected to physical punishment by their caregivers.³

The MDGs did not include targets to protect children. Violence undermines child survival and development, causing broader economic damage and trapping children into cycles of violence they may not escape as adults. Ambitious post- 2015 commitments on children's education, health, and wellbeing cannot be met as long as so many children experience violence. These targets are central to creating a post-2015 world fit for children. They have the potential to become a signature issue that will resonate with the public – and with children – around the world⁴.

The paper looks in detail at the way in which the individual SDG targets link to legally binding commitments already made under various human rights treaties. The link to these treaties provides the opportunity to use the range of reporting mechanisms set up under these treaties as complementary mechanisms for both collecting data and other evidence on progress and for then reviewing the effectiveness of - and any gaps in- implementation.

¹ United Nations Children's Fund, 'Monitoring Progress on Major Conventions, Declarations and Plans for Children' and 'UNSG Study on Violence against Children: What are the limitations of the existing data and how can they be improved?', UNICEF, New York, October 2006 (internal documents) quoted in UNICEF, Progress for Children, A Report Card on Child Protection, September 2009, p. 7

² UNICEF (2014), Ending Violence Against Children: Six Strategies for Action (p. 7)

³ *Ibid.* (p. 4,7)

⁴ David Steven, *If not now, when? Ending violence against the world's children*, Centre on International Cooperation, New York University, October 2014

The paper concludes that existing human rights mechanisms can indeed strengthen post-2015 accountability for the SDG targets on violence against children:

- 1) **Any accountability mechanisms for the Post-2015 agenda should review development performance by States in light of human rights principles.** The targets on ending violence against children included in the current proposal for the Sustainable Development Goals are closely aligned with existing international human rights standards. Key human rights principles such as universality, interdependence, and equality must be taken into account. Targets on violence against children are not voluntary commitments as they correspond to existing obligations that are legally binding for almost all States. These binding commitments have corresponding obligations to report to human rights accountability mechanisms.
- 2) **Ensure an accountability mechanism for the post-2015 agenda that would allow for effective civil society and children's participation.** Some of the existing human rights mechanisms allow for some good degree of participation by civil society and children and young people, amongst other stakeholders. This helps to ensure a comprehensive, independent and balanced assessment of violence against children in a State. This would provide the post-2015 accountability mechanism with objective information sources based on a transparent and inclusive process. The post-2015 accountability mechanisms should be themselves participatory and inclusive and draw on the good existing practices as well as information collected through human rights mechanisms.
- 3) **Include in the accountability framework a specific reference to working in close cooperation with international and regional human rights treaties and mechanisms.** The post-2015 accountability framework should ensure a systematic flow of data, analysis and recommendations on violence against children between the human rights and the post-2015 accountability mechanisms. A specific reference on working in close cooperation with human rights bodies and mechanisms should be included in the accountability framework and the working methods should set out modalities as to how this will occur.
- 4) **An accountability framework should be based on reliable and validated disaggregated data.** Human rights mechanisms collect a wealth of data and information on violence against children. Data collection and analysis have the potential to determine the extent to which legislation, policy and practice are in compliance with human rights obligations. Strengthened data collection systems could provide human rights mechanisms with a reliable, validated and disaggregated means of measuring progress that could assist in the monitoring of the post-2015 targets.
- 5) **An accountability framework should evaluate progress, identify implementation gaps and make recommendations for follow-up action.** Recommendations from human rights mechanisms provide States with suggestions on how to improve compliance with human rights obligations. These recommendations, derived from national level sources, are targeted and country specific and aim to assist States to better implement the targets on violence against children. The concluding observations and recommendations could provide a baseline against which progress on the post-2015 targets could be measured
- 6) **The existing human rights mechanisms at regional and international level should begin to identify ways in which they could incorporate the new SDG commitments into their considerations.** The human rights mechanisms could reinforce the need to meet relevant post-2015 targets. During review processes, the review mechanisms may be able to provide country-specific recommendations on ways in which targets could be met.

Introduction

The Open Working Group (OWG) on Sustainable Development Goals (SDG) concluded its deliberations with a list of 17 overall goals and 169 associated targets. Although the goals are declaratory rather than legally binding, there is a need for an accountability framework⁵ to ensure that progress is being made towards achieving the targets. This framework is currently under discussion. In his synthesis report on the post-2015 agenda, the Secretary-General proposed three levels of accountability; a national and local review, a regional review and a global review, with the national review informing the regional and global assessments.⁶

The Secretary-General noted that the accountability framework must use existing mechanisms and processes in order to be efficient.⁷ The international and regional human rights monitoring and review mechanisms are already providing an open, accessible, inclusive and participatory system for reviewing human rights commitments. International and regional treaties provide binding obligations to States that have agreed to their provisions. The accountability mechanisms monitor adherence by reviewing reports prepared by States and other stakeholders and providing targeted recommendations to assist States to move towards full implementation of the treaties. Reports, declarations, guidelines and programs of action by various UN bodies provide additional guidance to States.

Treaty Bodies

The UN treaty body system consists of ten legally binding international human rights treaties⁸, each monitored by independent bodies of experts⁹. For example, the UN Convention on the Rights of the Child is monitored by the Committee on the Rights of the Child, an independent body comprised of eighteen experts. Each treaty contains reporting procedures by which States parties submit periodic reports to a Committee that reviews these reports and prepares conclusions and recommendations. In order to conduct a comprehensive and independent assessment of the progress made and difficulties encountered in the implementation of the treaty, the treaty bodies welcome information from civil society, including children's groups, through supplementary reports. Children and young people are also engaging with the reporting process, particularly with the Committee on the Rights of the Child. Treaty bodies also produce general comments or general recommendations, which set out the Committee's interpretation of the provisions of its respective treaty based on the experiences and insights gained during the examination of State party reports.

⁵ Also referred to as a review and monitoring framework

⁶ The road to dignity by 2030: Ending poverty transforming all lives and protecting the planet, Synthesis report of the Secretary-General on the post-2015 sustainable development agenda, December 2014, A/69/700, http://www.un.org/ga/search/view_doc.asp?symbol=A/69/700&Lang=E, Para. 149 The Secretary-General called for broad, multi-stakeholder participation at national level to establish benchmarks, review the national policy framework, chart progress, learn lessons, consider solutions, follow-up and report. He proposed that a government report, a report from national stakeholders including civil society, and a compilation of existing information and data from United Nations (UN) agencies and international financial institutions could contribute to the national review. At the regional level, the Secretary-General suggested that existing regional mechanisms consider the national reports, identify regional trends, obstacles, commonalities, best practices and lessons learned to generate solutions and mutual support. At the global level, he proposed a voluntary peer review to discuss lessons learned and evaluate progress towards meeting the targets.

⁷ Ibid., Para. 147

⁸ International Convention on the Elimination of all Forms of Racial Discrimination, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all Forms of Discrimination against Women, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, International Convention for the Protection of All Persons from Enforced Disappearance, Convention on the Rights of Persons with Disabilities. Some of these treaties have also additional optional protocols that the Treaty Bodies also monitor.

⁹ Human Rights Committee (CCPR), Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Elimination of Discrimination against Women (CEDAW), Committee against Torture (CAT), Subcommittee on Prevention of Torture (SPT), Committee on the Rights of the Child (CRC), Committee on Migrant Workers (CMW), Committee on the Rights of Persons with Disabilities (CRPD) and Committee on Enforced Disappearances (CED)

They also hold days of general discussion on various themes. Some treaty bodies can also receive and examine individual complaints or conduct inquiries¹⁰.

Human Rights Council

In addition to the human rights treaties, the General Assembly (GA) established a Human Rights Council (HRC), responsible for human rights within the UN. The HRC, composed of 47 States elected by the General Assembly, addresses human rights violations and promotes the effective coordination and mainstreaming of human rights within the UN. The HRC has established Special Procedures, independent human rights experts who monitor, report and advise on human rights from a thematic or country perspective. Independent experts or special rapporteurs send out communications, undertake country visits, prepare thematic studies, convene expert consultations, engage in advocacy, provide technical advice, and raise public awareness. Many of the Special Rapporteurs and Independent Experts are allowed to receive complaints, either individual or systematic. The HRC also has a Universal Periodic Review (UPR) mechanism where Member States peer-review the human rights records of all UN Member States. The UPR is a cooperative mechanism and is based on an interactive dialogue between the State under review and other Member States. Civil society, children and young people can officially contribute to this process by making a stakeholder submission that is compiled into an “other stakeholders” report and an oral statement at the end of the process. They can also contribute informally through information provided directly to Member States who make recommendations to the State under review. The HRC also has a complaints procedure to address gross human rights violations.

Regional Mechanisms

At the regional level, treaties have also been adopted to protect human rights. Regional human rights treaties such as the African Charter on Human and Peoples’ Rights, the American Convention on Human Rights, the European Convention on Human Rights and the Arab Charter on Human Rights outline fundamental human rights. A number of treaties that focus on specific themes have also been developed at the regional level. Most of these treaties include implementation mechanisms comprised of Commissions, and in some cases, courts and special rapporteurs.

¹⁰ The Committee on the Rights of the Child can receive individual complaints for countries that have ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3CRC). The Committee is able to hear complaints from children, groups of children or their representatives against any State that has ratified OP3 CRC if the national legal system has not been able to provide a remedy for the violation. The Committee is also able to launch investigations into grave or systematic violations of children’s rights and States are able to bring complaints against each other, if they accepted this procedure.

1. International and regional human rights mechanisms are providing accountability on violence against children

The emerging post-2015 development agenda includes 8 targets relevant to violence against children¹¹.

- **Target 4.a:** build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all
- **Target 5.2:** end all forms of violence against women and girls in public and private spheres, including trafficking and sexual and other types of exploitation
- **Target 5.3:** eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations
- **Target 8.7:** take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour, and by 2025 end child labour in all its forms including recruitment and use of child soldiers¹
- **Target 11.7:** by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities
- **Target 16.1:** significantly reduce all forms of violence and related deaths everywhere
- **Target 16.2:** end abuse, exploitation, trafficking and all forms of violence and torture against children
- **Target 16.9:** by 2030 provide legal identity for all including birth registration

These targets are already well represented in international and regional human rights treaties whose accountability mechanisms have built up significant expertise on violence against children. Article 19(1) of the Convention on the Rights of the Child (CRC) requires States to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” Following two days of general discussion on violence against children, the Committee on the Rights of the Child recommended that a study on violence against children be carried out.

¹¹ There are other targets that are relevant for the protection of children and their wellbeing (i.e. 3.7: By 2030 ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes; 8.5 by 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value; 16.a strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime). We made a collective selection of those which can be considered to be more directly related to the protection of children from violence, abuse, exploitation and neglect and have traditionally be “labeled” as child protection interventions. We are aware of the fact that this selection is somehow artificial given that the wellbeing of children and their protection is the result of multiple and multi-sectorial programs and interventions. We felt nevertheless that it was necessary to put boundaries to our analysis to make it feasible.

This 2006 study drew on extensive research and consultations and made a series of recommendations to prevent and respond to violence against children. A Special Representative of the Secretary-General on Violence against Children was appointed in 2009 to follow-up on the recommendations from this study. Other international and regional human rights treaties make reference to aspects of violence against children and their monitoring and review frameworks assist States to implement their existing commitments.

Violence against children is also being reviewed within other areas of the UN. The Security Council established a monitoring and reporting mechanism (MRM) to collect timely, objective, accurate and reliable information on six grave children's rights violations, including the recruitment or use of children by armed forces or armed groups and rape and other sexual violence against children. The information compiled by the MRM is included in the annual report of the Secretary-General on Children in Armed Conflict to the Security Council. The General Assembly has adopted declarations on various topics that, although usually not legally binding and contain no monitoring or accountability mechanisms, provide guidance on some facets of violence against children such as trafficking. In some cases, declarations, such as the Universal Declaration of Human Rights, become binding under customary law.

Relevant to the targets on violence against children is the application and monitoring of the International Labor Organization (ILO) Conventions, particularly those on child labour. The Committee of Experts on the Application of Conventions and Recommendations examines periodic reports submitted by States and prepares observations on the application of ILO Conventions. ILO also has a complaints procedure.

Discussions around accountability for the post-2015 development agenda should take into account these existing monitoring and review frameworks in order to strengthen accountability for post-2015 targets on violence against children.

2. The proposed post-2015 targets on violence against children correspond to existing obligations under international and regional human rights law

Violence against children is integrated into several of the goals and targets agreed by the Open Working Group on Sustainable Development Goals. The Secretary-General noted that the post-2015 agenda requires “full consistency with current political commitments and existing obligations under international law”.¹² A comparison between eight proposed targets on violence against children and international and regional human rights treaties shows that the targets are already well represented in existing legally binding commitments.

¹² Road to Dignity, Para. 60,

Proposed targets	Treaties providing legal obligations to protect children ¹³
Target 4.a: Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all	<ul style="list-style-type: none"> • The Convention on the Rights of the Child (CRC) • African Charter on the Rights and Welfare of the Child (ACRWC). • The Human Rights Committee (HR Committee) and the Committee on Economic, Social and Cultural Rights (CESCR) found corporal punishment of children in schools to be inconsistent with human dignity and needed to be eliminated.
Target 5.2: End all forms of violence against women and girls in public and private spheres, including trafficking and sexual and other types of exploitation	<ul style="list-style-type: none"> • Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa • The Convention on the Rights of the Child (CRC) • The Committee on the Elimination of Discrimination against Women (CEDAW), the HR Committee, and the Committee on the Elimination of Racial Discrimination (CERD) have addressed issues of violence against women and girls, family violence and sexual violence in general comments. • The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OPSC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)
Target 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations	<ul style="list-style-type: none"> • The CRC requires that States abolish traditional practices that are prejudicial to the health of children • CEDAW and the ACRWC explicitly prohibit child marriages and a number of international and regional treaties require that marriages have the free and full consent of both parties
Target 8.7: Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour, and by 2025 end child labour in all its forms including recruitment and use of child soldiers	<ul style="list-style-type: none"> • Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO 182) • CRC and the ACRWC protects a child from performing any work that is harmful to the child's health or development. • Forced labor is prohibited in a number of international and regional treaties including the CRC-OPSC, the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Rights of Persons with Disabilities (CRPD), the Arab Charter on Human Rights and the Charter of Fundamental Rights of the European Union. • Prohibiting the compulsory recruitment and use of child soldiers is underscored in the CRC and its Optional Protocol on the involvement of children in armed conflict (CRC-OPAC). Security Council Resolution • 1612 condemns the recruitment and use of child soldiers by parties to an armed conflict.
Target 11.7: By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities	<ul style="list-style-type: none"> • There are no international or regional treaties that cover access to safe public spaces. In June 2011, UNICEF, UN Women, and UNHABITAT launched the Safe and Friendly Cities Initiative to increase safety, and prevent and reduce violence, including sexual violence and harassment against women and girls.

¹³ These are a selected number of international and regional treaties. The full list can be found at this link <http://resourcecentre.savethechildren.se/library/overview-international-and-regional-human-rights-treaties-and-mechanisms-relation>

Target 16.1: Significantly reduce all forms of violence and related deaths everywhere	<ul style="list-style-type: none"> • The CRC requires States to protect a child from all forms of physical or mental violence, the Convention on the Elimination of Racial Discrimination (CERD) requires that acts of violence against any race or group of persons of another color or ethnic origin be punished by law, and the CRPD protects persons with disabilities from all forms of violence. • The South Asian Association for Regional Cooperation Convention on Regional Arrangements on the Promotion of Child Welfare (SAARC Convention on Child Welfare) protects a child from violence. • The right to life is recognized in the ICCPR, the CRC, the ICRMW, the CRPD, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the African Charter on Human and People's Rights (ACHPR), the American Convention on Human Rights (ACHR) and the Arab Charter on Human Rights.
Target 16.2: End abuse, exploitation, trafficking and all forms of violence and torture against children	<ul style="list-style-type: none"> • Children are protected from abuse in the CRC, the ACRWC, the SAARC Convention on Child Welfare, and the Social Charter of SAARC. The CRPD protects all persons with disabilities from abuse and the Arab Charter on Human Rights prohibits all forms of abuse within the family. • The right not to be subjected to torture is contained in many international treaties such as the CRC, the ICCPR, the Convention against Torture (CAT), the CRPD, and the ICRMW
Target 16.9: By 2030 provide legal identity for all including birth registration	<ul style="list-style-type: none"> • Children must be registered immediately after birth as required by the CRC, the ICCPR, the ICRMW, the CRPD, and the ACRWC. The SAARC Convention on Child Welfare requires that births be registered in an official registry, but does not provide a time frame for doing so.

3. International human rights mechanisms provide a mutually reinforcing system of accountability on violence against children

In order to strengthen implementation of the post-2015 targets, the accountability mechanism should capitalize on the already existing human rights monitoring and review mechanisms. These mechanisms provide accountability through a system of reporting and review, allow for contributions from a variety of stakeholders and produce a series of recommendations for follow-up action, which can then be assessed in subsequent reviews.

3.1. Reporting

States submit information on violence against children to the human rights system that is supplemented by documentation submitted by civil society. This allows for the monitoring and review mechanisms to conduct a comprehensive and independent assessment of progress made and difficulties encountered. Information submitted to a human rights mechanism is often used by other mechanisms in order to promote the full implementation of human rights obligations by a State.

The treaty bodies use information that is submitted to other treaty bodies and information from Special Rapporteurs in the consideration of State party reports and they occasionally refer to regional human rights instruments. In its concluding observations, the CRC often recommends that States cooperate with other international and regional mechanisms.

- *The Committee further recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross (ICRC) and with the Special Representative of the Secretary-General for Children and Armed Conflict. (CRC/C/OPAC/BFA/CO/1) Target 8.7*

The UPR receives a compilation of information contained in reports of treaty bodies, special procedures and other relevant official UN documents. This allows the UPR to reinforce the efforts of other human rights mechanisms.

- *The HR Committee, CEDAW and CRC noted with concern numerous instances of trafficking of women and children, both within the country and across its borders... CRC expressed its concern about factors contributing to trafficking activities such as persistent poverty, temporary overseas migration, growing sex tourism and weak law enforcement.” (Compilation prepared by OHCHR, HRC/WG.6/1/PHL/2) Target 5.2*

The Special Procedures refer to and may follow-up on the recommendations of treaty bodies and UPR in both their country and thematic reports. Country reports provide a list of international and regional human rights instruments to which States are parties and thematic reports contain an analysis of international and regional instruments in order to determine what currently exists and where are the gaps.

Regional human rights bodies also make reference to international human rights obligations, particularly in opinions rendered by courts and on individual communications.

- *That a school’s disciplinary system falls within the ambit of the right to education has also been recognised, more recently, in Article 28 of the United Nations Convention on the Rights of the Child... (Costello-Roberts v UK) Target 4.a*

This wealth of information being collected and shared within the international and regional human rights systems would serve to enhance the monitoring of the post-2015 targets on violence against children.

3.2. Inclusive and Participatory

The Secretary-General noted that the post-2015 agenda must be one of “shared responsibility” where all actors – governments, international institutions, private sector actors, civil society organizations and the people themselves – participate in the accountability mechanism.¹⁴ Civil society plays an important role in human rights accountability mechanisms.

The principle task of the human rights treaty bodies is to periodically review reports submitted by States on steps taken to implement the relevant treaty. Civil society may also submit evidence on the impact of measures taken by the State, their effectiveness and gaps in implementation and may propose concrete recommendations for follow-up action. These contributions allow the treaty bodies to make concrete and effective recommendations to States to move towards full implementation of the human rights treaties.

The CRC is one of the most inclusive and participatory treaty bodies as the Convention itself states that the Committee may invite “other competent bodies” to provide advice on its implementation. In order to monitor the impact that measures are having on children and to evaluate their effectiveness, the Committee welcomes reports submitted by UN agencies, civil society organizations, national human rights institutions and children and young people. Representatives from civil society and children can also take part in the pre-sessions and sessions. These bodies are encouraged to participate in all aspects of the reporting process from contributing to the drafting of the State report to following up on the recommendations. The process is both consultative and public.

¹⁴ Ibid., Para. 146

The review under UPR is also open to some level of civil society participation; the review is based on three documents: a report prepared by the State, information contained in the reports of the treaty bodies, special procedures and other UN agencies, and a summary of information submitted by other stakeholders, including civil society. Civil society may also provide inputs directly to Member States as inputs to their review of the State under review; participate in informal UPR pre-sessions organized by civil society for Member States in Geneva; participate in national consultations held by the State in preparation of the national report; and is encouraged to follow-up on the commitments accepted by States.

Civil society also works closely with the HRC special procedures. Country visits are often requested due to information or complaints received from civil society and during these visits, the Special Rapporteurs, Representatives, or Independent Experts meet both with government officials and representatives of civil society. Relevant documentation is often submitted to the special procedures as a contribution to thematic studies.

This inclusive and participatory process ensures that the human rights accountability mechanisms base their reviews on independent and reliable information that would provide the post-2015 accountability mechanism with objective information sources.

3.3. Data Collection

The Secretary-General has called for “measurable targets and technically rigorous indicators”¹⁵ to “collect, compare and analyze reliable data, and to do so at the adequate level of disaggregation.”¹⁶ Data collection is an essential component in the implementation of human rights treaties and mechanisms and international and regional human rights monitoring bodies collect a wealth of statistical information and data that could strengthen post-2015 accountability.

In preparing periodic reports under the CRC, States are asked to submit statistical information and data covering the period since the consideration of their previous report, disaggregated by age or age group, sex, location (rural or urban), minority or indigenous group, ethnicity, religion, disability and any other category that may be appropriate. States are also requested to provide explanations or comments on trends.

Statistical Data requested by the Committee on the Rights of the Child on Violence against Children

Target 4.a	Number of incidents of corporal punishment in all settings (childcare facilities, schools, family, foster homes, institutions and other places providing services to children), and the number of incidents of mobbing and bullying
Target 5.2	Number of reported cases of sexual exploitation, sexual abuse and sale of children, abduction of children and violence against children
Target 5.3	Number of children reported as victims of forced marriage and female genital mutilation
Target 8.7	Number and percentage of children below the minimum legal age of employment who are involved in child labour, disaggregated by type of employment
Target 16.1	Number of deaths of children under 18 years of age as the result of crime and other forms of violence
Target 16.2	Number and percentage of children reported as victims of abuse and/or neglect by parents or other relatives/caregivers
	Number of children involved in sexual exploitation, including prostitution, pornography and trafficking
	Number of children trafficked for other purposes, including labour
	Number of children reported as victims of torture
Target 16.9	Number and percentage of children who are registered after birth

¹⁵ Ibid., Para. 136

¹⁶ Ibid., Para. 139

Data is also being requested and collected at the regional level. In the guidelines for initial reports under the African Charter on the Rights and Welfare of the Child, States are requested to provide specific statistical information and indicators on special protection measures such as sexual exploitation and sexual abuse, betrothal of girls and boys, early and forced marriage, any form of female genital mutilation, armed conflict and economic exploitation including child labour, etc.

Data collection and analysis have the potential to allow accountability mechanisms to determine the extent to which legislation, policy and practice are in compliance with human rights obligations. Nevertheless, the majority of the data submitted is poor, very often not disaggregated, and very difficult to compare over time and across countries. There is a major need to invest in and strengthen data collection on violence against children a sector where such an investment has just started to receive the necessary attention. It would be also important to ensure that data on violence against children is not only collected, but also made publically available in a timely and accessible manner to facilitate public engagement.

3.4. Concluding Observations and Recommendations by treaty bodies and other mechanisms

The human rights instruments and mechanisms produce conclusions and recommendations that may be useful to the post-2015 accountability mechanism. Following the review of State party reports, the treaty bodies adopt concluding observations which point out the progress achieved, the main areas of concern and make recommendations for the implementation of the treaty. These often provide suggestions as to how a State can better implement the treaty at national level.

Examples of Recommendations made by the Committee on the Rights of the Child

Target 4.1	The Committee recommends that the State Party... take proactive measures to eliminate violence against children in schools, notably by including in the code of conduct for teachers the prohibition of corporal punishment and by limiting the role of school counsellors to those functions that help the pupil and revoking their disciplinary functions.
Target 5.2	There was also a need to reflect in the legislation the prohibition of harmful traditional practices, such as genital mutilation and forced marriage, and any other form of violence against girls, including sexual abuse.
Target 5.3	The Committee recommends that the State Party introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices, engaging with the extended family and the traditional and religious leaders.
Target 8.7	The Committee recommends that in the light of article 4 of the Protocol, the State party take all feasible measures to eliminate the root causes and prevent recruitment and use of persons below the age of 18 years by armed groups that are distinct from the armed forces of the State.
Target 16.1	The Committee urges the State Party to take, as a matter of the highest priority, all necessary measures to prevent the killing of children, to fully investigate each of those serious violations of children's rights, to bring the perpetrators to justice and to provide the family of the victims with adequate support and compensation.
Target 16.2	The Committee urges the State Party to undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective laws, policies and programmes to combat all forms of abuse.
Target 16.9	The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children

For the UPR, States receive recommendations from other States that often request specific actions and reflect human rights based approach.

- *Develop a comprehensive policy to prevent violence against children, including all necessary measures to prevent children from being subject to torture and ill-treatment, to living and working in the streets as well as being subjects to threats and forced recruitment by gangs. (A/RC/WG.6/20/L.2) Target 16.2*

States can decide whether or not to accept the recommendations¹⁷ and subsequent reviews assess progress on accepted recommendations. On average, between the first and second cycle of the UPR 81% of the recommendations on violence against children were accepted by the States under review¹⁸.

The special procedures of the HRC also produce recommendations on both a country and a thematic level. A number of thematic studies related to violence on children have been carried out by various special procedures. These studies could provide important input into thematic reviews under the SDG accountability mechanism.

Examples of Thematic Studies on Violence against Children

Target 4.a	Special Representative of the Secretary General on Violence against Children	Tackling Violence in Schools: A global perspective
Target 5.2	Special Rapporteur on Trafficking in Persons, especially in Women and Children	Demand for commercial sexual exploitation and trafficking
	Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	Relevant thematic reports include prevention of child sexual exploitation, child pornography on the internet, sale and trafficking of children etc.
Target 5.3	Special Representative of the Secretary General on Violence against Children	Protecting Children from harmful practices in plural legal systems
	Special Rapporteur on Trafficking in Persons, especially in Women and Children	Forced marriage in the context of trafficking in persons, especially women and children
Target 8.7	Special Representative of the Secretary General on Children and Armed Conflict	The Six Grave Violations against Children during Armed Conflict: The legal foundation
	Special Rapporteur on Contemporary Forms Of Slavery	Relevant thematic reports include forced labour, child labour, and domestic work
Target 16.2	Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	Domestic Violence
	Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Torture and other cruel, inhuman and degrading treatment of children deprived of their liberty

The conclusions produced by the human rights mechanisms often provide concrete recommendations that can assist States in making progress on eliminating violence against children. These could also assist States in making progress in meeting the post-2015 targets. Studies by special procedures, high-level panels, and thematic discussions of the HRC and days of general discussion of the treaty bodies also offer concrete opportunities to discuss thematic issues and could feed into thematic reviews taking place at the global level.

¹⁷ States under review may consider "to note" some of the recommendations, in practical terms not committing to implement them. This decision is based on different reasons, including the consideration that they have already implemented it, that the recommendation is not relevant, that is politically motivated, etc.

¹⁸ Save the Children, *UPR Thematic Brief – Assess recommendations and main trends on child protection*, Internal note, 2015.

4. Documentation and findings on SDG targets on violence against children could benefit international and regional human rights mechanisms.

Data, reports and recommendations that are submitted to or emanate from the post-2015 accountability mechanism could also strengthen international and regional human rights mechanisms.

- The post-2015 targets should strengthen data collection systems which could increase the amount of reliable, disaggregated data on current indicators and lead to the development of new ones which could assist human rights review mechanisms to make recommendations that are more relevant to national level realities.
- Thematic reviews carried out at the global level to chart global progress of the SDG targets could feed into thematic studies conducted by special procedures of the HRC and days of general discussion carried out by human rights treaty bodies in order to identify challenges and mobilize action.

Conclusions and Recommendations

Existing monitoring, reporting and accountability mechanisms for international and regional commitments offer the opportunity to access existing systems that can support the review of progress against the new Sustainable Development Goals (SDGs). These would be complementary to any other mechanisms that are specifically created at the national, regional and global levels for this purpose.

Current proposed targets on violence against children within the SDGs correspond to existing obligations already accepted by most governments under international and regional human rights law. Fortunately a range of existing human rights and other mechanisms exist with the potential to provide open, accessible, participatory and inclusive review of progress on these targets.

Nevertheless, although States have assumed legal obligations to end violence, abuse, exploitation and neglect of children by ratifying a wealth of international and regional human rights treaties, the daily reality of children remains bleak and commitment not sufficient. The Post-2015 agenda can render the commitment by governments more effective and the accountability mechanisms exercise the necessary pressure to ensure that the targets are going to be met.

The post-2015 accountability mechanism should:

1) Review development performance in light of human rights principles

The targets on ending violence against children included in the current proposal for the Sustainable Development Goals are closely aligned with existing international human rights standards. Key human rights principles such as universality, interdependence, and equality must be taken into account. Targets on violence against children are not voluntary commitments as they correspond to existing obligations that are legally binding for almost all States. These binding commitments have corresponding obligations to report to human rights accountability mechanisms.

2) Ensure an independent review with effective civil society and children's participation.

Some of the existing human rights mechanisms allow for some good degree of participation by civil society and children and young people, amongst other stakeholders. This helps to ensure a comprehensive, independent and balanced assessment of violence against children in a State. This would provide the post-2015 accountability mechanism with objective information sources based on a transparent and inclusive process. The post-2015 accountability mechanisms should be themselves

participatory and inclusive and draw on the good existing practices as well as information collected through human rights mechanism.

3) Include in the accountability framework a specific reference to working in close cooperation with international and regional human rights treaties and mechanisms

The post-2015 accountability framework should ensure a systematic flow of data, analysis and recommendations on violence against children between the human rights and the post-2015 accountability mechanisms. A specific reference on working in close cooperation with human rights bodies and mechanisms should be included in the accountability framework and the working methods should set out modalities as to how this will occur.

4) Monitor progress through reliable and validated disaggregated data

Human rights mechanisms collect a wealth of data and information on violence against children. Data collection and analysis have the potential to determine the extent to which legislation, policy and practice are in compliance with human rights obligations. Strengthened data collection systems could provide human rights mechanisms with a reliable, validated and disaggregated means of measuring progress that could assist in the monitoring of the post-2015 targets.

5) Evaluate progress, identify implementation gaps and make recommendations for follow-up action

Recommendations from human rights mechanisms provide States with suggestions on how to improve compliance with human rights obligations. These recommendations, derived from national level sources, are targeted and country specific and aim to assist States to better implement the targets on violence against children. The concluding observations and recommendations could provide a baseline against which progress on the post-2015 targets could be measured.

6) The existing human rights mechanisms at regional and international level should begin to identify ways in which they could incorporate the new SDG commitments into their considerations

The human rights mechanisms could reinforce the need to meet relevant post-2015 targets. During review processes, the review mechanisms may be able to provide country-specific recommendations on ways in which targets could be met.

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