



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
Forty-first session  
9-27 January 2006

**REPORT ON THE FORTY-FIRST SESSION**

**(Geneva, 9-27 January 2006)**

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## **I. ORGANIZATIONAL AND OTHER MATTERS**

### **A. States parties to the Convention**

1. As at 27 January 2006, the closing date of the forty-first session of the Committee on the Rights of the Child, there were 192 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in its resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. An updated list of States that have signed, ratified or acceded to the Convention is available at [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 105 States parties and signed by 121 States. The Optional Protocol entered into force on 12 February 2002. Also as at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 101 States parties and signed by 114 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in its resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. A list of States that have signed, ratified or acceded to the two Optional Protocols is available on [www.ohchr.org](http://www.ohchr.org) and <http://untreaty.un.org>.

3. At its fifty-ninth session, the General Assembly agreed with the request of the Committee to work simultaneously in two chambers during 2006 (starting with the pre-sessional working group meeting of October 2005) in order to increase the working capacity of the Committee and decrease the existing backlog of reports.

### **B. Opening and duration of the session**

4. The Committee on the Rights of the Child held its forty-first session at the United Nations Office at Geneva from 9 to 27 January 2006. The Committee held 40 meetings. An account of the Committee's deliberations at its forty-first session is contained in the relevant summary records (see CRC/C/SR.1081 to SR.1120).

### **C. Membership and attendance**

5. All the members of the Committee attended the forty-first session. A list of members, together with an indication of the duration of their terms of office, is provided in annex I to the present report. The following members were not able to attend the session in its entirety: Ms. Al-Thani (26 and 27 January); Ms. Anderson (9 to 16 January); Mr. Doek (25 January); Mr. Filali (9 to 12 January); Mr. Kotrane (13, 19 and 20 January); Ms. Lee (26 and 27 January); Ms. Ouedraogo (11, 16 and 17 January); Mr. Pollar (17, 18 and 20 January); Ms. Smith (20 January).

6. The following United Nations bodies were represented at the session: Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR).

7. The following specialized agencies were also represented at the session: International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO).

8. Representatives of the following non-governmental organizations also attended the session:

*General consultative status*

International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Save the Children Alliance, Zonta International.

*Special consultative status*

Amnesty International, Arab Organization for Human Rights, Coalition against Trafficking in Women, Defence for Children International, International Commission of Jurists, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, World Federation of Methodist and Uniting Church Women, World Organization against Torture.

*Others*

NGO Group for the Convention on the Rights of the Child, International Baby Food Action Network.

**D. Agenda**

9. At its 1081st meeting, on 9 January 2006, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/41/1):

1. Adoption of the agenda.
2. Organizational matters.
3. Submission of reports by States parties.
4. Consideration of reports of States parties.
5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. General comments.
8. Biennial report to the General Assembly.
9. Future meetings.
10. Other matters.

### **E. Pre-sessional working group**

10. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 3 to 7 October 2005. All the members except Ms. Al-Thani, Ms. Aluoch and Ms. Anderson participated in the working group. Representatives of OHCHR, ILO, UNICEF, UNESCO, UNHCR and WHO also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives from various national and international non-governmental organizations, also attended.

11. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

12. Mr. Jakob Egbert Doek and Ms. Moushira Khattab chaired the two chambers of the pre-sessional working group, which held 15 meetings, at which it examined lists of issues put before it by members of the Committee relating to the second periodic reports of seven countries (Azerbaijan, Ghana, Hungary, Liechtenstein, Lithuania, Mauritius and Thailand) and one third periodic report (Peru), the initial reports submitted to the Committee on the Optional Protocol on the involvement of children in armed conflict (Switzerland, Bangladesh), and the Optional Protocol on the sale of children, child prostitution and child pornography (Kazakhstan and Morocco) and Andorra and Italy for both Optional Protocols. The lists of issues were transmitted to the Permanent Missions of the States concerned with a note requesting written answers to the issues raised in the list, if possible before 23 November 2005.

### **F. Organization of work**

13. The Committee considered the organization of its work at its 1081st meeting, held on 9 January 2006. The Committee had before it the draft programme of work for the forty-first session, prepared by the Secretary-General in consultation with the Chairperson of the Committee.

### **G. Future regular meetings**

14. The Committee decided that its forty-second session would take place from 15 May to 2 June 2006 and that its pre-sessional working group for the forty-third session would meet from 6 to 9 June 2006.

## **II. REPORTS SUBMITTED BY STATES PARTIES**

### **Submission of reports**

15. The Committee had before it the note by the Secretary-General on States parties to the Convention and status of the submission of reports (CRC/C/41/2).

16. The Committee was informed that between its fortieth and forty-first sessions, the Secretary-General had received the initial reports of Samoa and Swaziland, the second periodic report of Kenya and the third periodic report of Chile.

17. The Committee was also informed that the following initial reports under the Optional Protocol on the involvement of children in armed conflict had been received: Kazakhstan; Malta; Viet Nam; Costa Rica and Monaco.

18. It was also informed that the following initial reports had been received under the Optional Protocol on the sale of children, child prostitution and child pornography: Viet Nam, Bangladesh and Costa Rica.

19. As at 27 January 2006, the Committee had received 190 initial reports, 98 second periodic reports and 17 third periodic reports. A total of 289 reports have been considered by the Committee. The Committee further received 14 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and 17 under the Optional Protocol on the involvement of children in armed conflict. To date, the Committee considered 7 initial reports under the Optional Protocol on the involvement of children in armed conflict and 5 under the Optional Protocol on the sale of children, child prostitution and child pornography.

20. At its forty-first session, the Committee examined periodic reports submitted by 10 States parties under article 44 of the Convention. It also considered three initial reports under each of the Optional Protocols to the Convention from 5 States parties.

21. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its forty-first session: Trinidad and Tobago (CRC/C/83/Add.12), Saudi Arabia (CRC/C/136/Add.1), Peru (CRC/C/125/Add.6), Azerbaijan (CRC/C/83/Add.13), Hungary (CRC/C/70/Add.25), Lithuania (CRC/C/83/Add.14), Liechtenstein (CRC/C/136/Add.2), Ghana (CRC/C/65/Add.34), Mauritius (CRC/C/65/Add.35), Thailand (CRC/C/83/Add.15), Morocco (CRC/C/OPSA/MAR/1), Kazakhstan (CRC/C/OPSA/KAZ/1), Andorra (CRC/C/OPSA/AND/1 and CRC/C/OPAC/AND/1), Switzerland (CRC/C/OPAC/CHE/1), Bangladesh (CRC/C/OPAC/BGD/1).

22. By note verbale dated 21 October 2005, the Government of China transmitted its observations to the Committee concerning the concluding observations (CRC/C/CHN/CO/2) adopted at its fortieth session.

23. By note verbale dated 14 November 2005 the Permanent Mission of Italy requested the postponement of the initial reports under the two optional protocols to the Convention scheduled for 12 January 2006. The Committee granted this request.

24. In accordance with rule 68 of the provisional rules of procedure of the Committee, representatives of all the reporting States were invited to attend the meetings of the Committee at which their reports were examined.

25. The following sections, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain concluding observations reflecting the main points of discussion and indicating, where necessary, issues that require specific follow-up. More detailed information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

### III. CONSIDERATION OF REPORTS OF STATES PARTIES

#### Concluding observations: Switzerland

26. The Committee considered the initial report of Switzerland (CRC/C/OPAC/CHE/1) at its 1082nd meeting (see CRC/C/SR.1082), held on 9 January 2006, and adopted, at its 1120th meeting, (see CRC/C/SR.1120), held on 27 January 2006, the following concluding observations.

#### A. Introduction

27. The Committee welcomes the submission of the State party's initial report, which gives detailed information on the legislative, administrative, judicial and other measures applicable in Switzerland in respect of the rights guaranteed by the Optional Protocol. It also appreciates the informative and interactive dialogue with the State party's delegation.

#### B. Positive aspects

28. The Committee notes with appreciation that the conscription of persons under the age of 18 is clearly prohibited in the Swiss federal laws and it welcomes the unanimous decision of Parliament in 2002 to raise the age for voluntary recruitment to 18 in the decree for ratification of the Optional Protocol. In addition the Committee welcomes the fact that the State party does not allow for a lowering of the age of compulsory or voluntary recruitment in exceptional circumstances.

29. The Committee notes with appreciation that article 129 of the Criminal Code covers direct participation of persons under 18 in hostilities and that article 180 and the following articles of the Criminal Code prohibit recruiting children against their will and using them in an armed conflict. It also notes that articles 299 and 300 of the Criminal Code are applicable to groups recruiting children in Switzerland for armed conflict abroad.

30. The Committee notes with appreciation that the State party's authorization of foreign trade in war material follows certain criteria (*Ordonnance du 25 février 1998 sur le matériel de guerre, Etat 12 mars 2002*) and pays particular attention to the use of children as soldiers in the receiving country.

31. The Committee also commends the State party's financial support to the United Nations specialized agencies and numerous international organizations and non-governmental organizations working to address the issue of children in armed conflicts. Furthermore, the Committee notes with appreciation that the State party's civilian peace promotion programmes have integrated issues relating to child soldiers.

#### C. Principal areas of concern and recommendations

##### Implementation measures

32. The Committee notes with regret the amendment of article 9 of the Military Penal Code of 23 December 2003, which entered into force on 1 June 2004, because it limits the State party's extraterritorial jurisdiction for the prosecution of alleged perpetrators of war crimes to

persons with a close link to Switzerland. The Committee particularly regrets that the State party's laws do not establish jurisdiction for cases in which the victim has a close link to Switzerland.

**33. In the light of article 4, paragraph 2, and article 6, paragraph 1, of the Optional Protocol, the Committee recommends that the State party:**

**(a) Review the recent amendment of article 9 of the Military Penal Code with a view to restoring its full jurisdiction over war crimes, such as conscripting or enlisting children under the age of fifteen into the national armed forces or using them to participate actively in hostilities;**

**(b) Establish extraterritorial jurisdiction in cases in which the victim has a close link to Switzerland; and**

**(c) Establish national jurisdiction for the prosecution of persons who recruit children of the age of 15, 16 or 17 in Switzerland for military activities abroad.**

#### **Assistance for physical and psychological recovery**

34. The Committee notes that the State party is a country of destination of asylum-seeking and migrant children coming from war-torn countries. In light of the fact that many of these children may have been victims of traumatic experiences, the Committee notes with concern that authorities who interview children applying for asylum receive no special training for dealing appropriately with children affected by military activities and armed conflicts. It regrets the lack of systematic data collection on asylum seekers under the age of 18 who were involved in armed conflict. Furthermore, it is also concerned about the lack of specific integration programmes or activities for former child soldiers.

**35. The Committee recommends that the State party pay particular attention to asylum-seeking, refugee and migrant children entering Switzerland who may have been involved in armed conflicts and provide them with immediate, culturally sensitive multidisciplinary assistance for their physical and psychological recovery and for their social reintegration. It also recommends that they be provided with specific accommodation facilities designed for minors. It further recommends that the State party systematically train authorities working for and with asylum-seeking and migrant children coming from war-torn countries and collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home country. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin.**

#### **International assistance and cooperation**

**36. Referring to the acknowledgement of the State party's financial support to the United Nations specialized agencies and numerous international organizations and non-governmental organizations working to address the issue of children in armed**



conflicts, the Committee recommends that the State party continue its bilateral and multilateral activities and expand such support to cover more preventive programmes.

#### **Training/dissemination of the Optional Protocol**

37. The Committee recommends that the State party continue to develop ongoing and systematic education and training in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups, in particular military personnel. It recommends that the State party make the Optional Protocol widely known to the public at large and in particular to children and their parents in all domestic languages through, *inter alia*, school curricula and human rights education. In addition, the Committee recommends that the preliminary military service orientation for persons who are liable for military service at the age of 16 include information on the provisions of the Optional Protocol.

#### **Dissemination of documentation**

38. While noting the State party's intention to make the initial report available in French, German and Italian, the Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

#### **Next report**

39. In accordance with article 8, paragraph 2, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its combined second and third periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 25 September 2007.

#### **Concluding observations: Bangladesh**

40. The Committee considered the initial report of Bangladesh (CRC/C/OPAC/BGD/1) at its 1083rd meeting (see CRC/C/SR.1083), held on 9 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.

##### **A. Introduction**

41. The Committee welcomes the timely submission of the State party's report, the replies to the list of issues and appreciates the efforts of the delegate to respond to the Committee's questions during the dialogue.

42. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 27 October 2003 contained in CRC/C/15/Add.221.

## **B. Positive aspects**

43. The Committee notes with appreciation measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, in particular the technical cooperation activities directed at protecting children in armed conflicts carried out in collaboration with the International Committee of the Red Cross, and the National Society of the Red Crescent. It further welcomes the ratification by the State party of:

(a) Both Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

## **C. Principal areas of concern and recommendations**

### **C.1. General measures of implementation**

#### **Legislation**

44. The Committee regrets the little information provided on existing legislative measures to implement the protocol and on the legal status of the Optional Protocol and is concerned about the lack of legislation setting a minimum age for recruitment and deployment.

45. **The Committee recommends that the State party:**

(a) **Set in law the minimum age for recruitment and deployment;**

(b) **Ensure that its laws guarantee the prosecution of persons responsible for recruitment of children under the legally permitted age and/or the use of children in military activities.**

#### **Coordination and evaluation of the implementation of the Protocol**

46. The Committee welcomes the work done by the Convention on the Rights of the Child Standing Committee to ensure the implementation of the Convention and its Protocols. However, the Committee remains concerned by the lack of clarity about the respective competencies of the CRC Standing Committee and the Ministry of Women and Children Affairs in particular with respect to the implementation of the Optional Protocol.

47. **The Committee recommends that competencies for the coordination and evaluation of the implementation of the Protocol be clearly attributed to the appropriate body or ministry (please also refer to paragraph 15 of the concluding observations of the Committee on the Rights of the Child adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.221)).**

## **National Plan of Action**

48. The Committee notes the implementation of the “Empowerment and protection of children and women” project and of the National Plan of Action against sexual abuse and exploitation of children, including trafficking. However, the Committee regrets the lack of information available on the degree to which the Optional Protocol on the involvement of children in armed conflict is part of the National Plan of Action and its implementation.

49. **The Committee recommends that the State party provide further details in its next report about the actual stage of implementation of the National Plan of Action and on actions related to the Optional Protocol either as part of the National Plan of Action or as a separate policy.**

## **Dissemination and training**

50. The Committee welcomes the dissemination of information related to international humanitarian law and child rights, in particular the publication in a child-friendly version of the Convention and the envisaged publication of the Convention and its Protocols in Bengali. However, the Committee remains concerned at the generally low level of knowledge in the country about international humanitarian law and child rights in general, and about the Optional Protocol on the involvement of children in armed conflict in particular.

51. **The Committee recommends that the State party strengthen these activities and ensure that all relevant professional groups, in particular military personnel, are systematically trained on the provisions of the Convention and its Protocol on the involvement of children in armed conflict. In addition, it recommends that the State party make provisions of the Convention and its Optional Protocol widely known to children through, among others, school curricula.**

## **Data collection**

52. The Committee regrets the lack of data contained in the initial report (CRC/C/OPAC/BGD/1), in particular with respect to allocation of resources for the implementation of the Optional Protocol.

53. **The Committee recommends that the State party strengthen the collection of data with respect to the implementation of the Optional Protocol and include further data, in particular on allocation of resources, in its next report.**

## **C.2. Recruitment of children**

### **Voluntary recruitment**

54. The Committee is concerned that:

(a) Considering the serious constraints of the birth registration system identified by the Committee on the Rights of the Child during the consideration of the second periodic report in 2003, it might be very difficult in many cases to determine the real age of the recruits;

(b) The consent of parents or legal guardians is not mandatory for the recruitment of under-18s, except for recruitment in the Air Force;

(c) There are no measures to ensure that recruitment of under-18s is genuinely voluntary and well informed;

(d) There is a reported high number of children under 18 who enrol in armed forces.

**55. The Committee, while reminding the State party of the need to register all children at birth (see recommendation contained in paragraph 38 of document CRC/C/15/Add.221), recommends that the State party develop and strengthen measures effectively to guarantee:**

(a) That no child under 16 years be enrolled in the army or in the police forces, by establishing and systematically implementing safeguards to verify the age of volunteers, based on objective elements such as birth certificate, school diplomas and in the absence of documents, medical examination to determine the exact age of the child;

(b) That recruitment of children under 18 years is genuinely voluntary, based on an informed decision and only occurs with prior consent of the parents or legal guardians;

(c) That as few children as possible under 18 are enlisted.

#### **Role of schools**

56. The Committee is concerned about the possible military training that children in unregistered “madrassas”, also known as “qaumi madrassas”, undergo from a very young age.

**57. The Committee recommends that the State party take all necessary measures to ensure that the education provided in unregistered “madrassas” is in full conformity with the Optional Protocol and with the Convention, in particular its article 29, duly taking into account its general comment No. 1 on the aims of education.**

### **C.3. Involvement of children in hostilities**

#### **Children involved in armed groups**

58. The Committee is concerned at the information on the existence in the State party of extremist religious groups and by the fact that children might be recruited and used by these groups.

**59. The Committee recommends that the State party take all necessary measures to ensure that:**

(a) No child is recruited and/or used in activities of a military or paramilitary nature; and

(b) All child victims of such activities be duly protected and receive assistance for their physical and psychological recovery and their social reintegration.

#### **C.4. Measures adopted with regard to disarmament, demobilization and social reintegration**

60. The Committee regrets the paucity of information provided about measures and programmes adopted with regard to disarmament, demobilization and social reintegration of victims, in particular children who had been involved in the Chittagong Hill Tracts conflict, taking into account that the involvement in an armed conflict produces long-term consequences that require psychosocial assistance.

**61. The Committee recommends that the State party include information in its next report on measures adopted with regard to disarmament, demobilization and social reintegration of victims, in particular children who had been involved in the Chittagong Hill Tracts conflict.**

62. The Committee, while noting initiatives taken to monitor the trafficking of small arms and light weapons, is concerned by their proliferation in the State party and by the high proportion of children carrying them.

**63. The Committee recommends that the State party take all necessary measures to ensure that children do not have access to small arms and/or light weapons and that those already in possession of weapons be disarmed. It further recommends that measures taken to prevent arms trafficking include a child-rights perspective.**

#### **C.5. International assistance and cooperation**

##### **Prevention**

64. The Committee welcomes the measures taken to improve birth registration processes and the dissemination of international humanitarian law to military instructors, undertaken with the assistance of the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC) respectively. However, the Committee remains concerned that existing measures may be insufficient to prevent the recruitment of children under the ages set in the Optional Protocol.

**65. The Committee recommends that the State party develop and implement further measures to ensure that no children under the ages set in the Optional Protocol are recruited, including by seeking further collaboration, inter alia, with UNICEF and the ICRC. The Committee also recommends that the State party further expand and mainstream courses on international humanitarian law to all persons working with children and to military personnel, especially the recruiting officers.**

#### **C.6. Follow-up and dissemination**

##### **Follow-up**

66. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

## **Dissemination**

67. In light of article 6 (2) of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that it consider publishing the report along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, in particular the Ministry of Defence, the army, the military and cadet schools and all educational institutions, the Parliament and the general public, including concerned non-governmental organizations.

### **C.7. Next report**

68. In accordance with article 8 (2) of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 1 September 2007.

### **Concluding observations: Kazakhstan**

69. The Committee considered the initial report of Kazakhstan (CRC/C/OPSC/KAZ/1) at its 1084th meeting (see CRC/C/SR.1084), held on 11 January 2006, and adopted at its 1120th meeting, held on 27 January 2006, the following concluding observations.

#### **A. Introduction**

70. The Committee welcomes the submission of the State party's initial report, however it regrets that it does not follow the established reporting guidelines. The Committee appreciates the constructive dialogue held with the delegation and notes with appreciation the additional information submitted in writing as an immediate follow-up to the dialogue.

71. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 6 June 2003 contained in CRC/C/15/Add.213.

#### **B. Positive aspects**

72. The Committee notes with appreciation:

(a) The adoption of a National Plan of Action on Trafficking on 29 February 2004 and a subsequent Plan for 2006-2008;

(b) The establishment of an inter-agency commission to combat trafficking;

(c) The direct application and precedence of the Optional Protocol over domestic legislation.

## **C. Principal areas of concern and recommendations**

### **C.1. General measures of implementation**

#### **Coordination and evaluation of the implementation of the Protocol**

73. The Committee takes note of the information provided on the various ministries and governmental bodies involved in implementing the Optional Protocol, but remains concerned about the insufficient coordination among these bodies so as to ensure comprehensive, intersectoral policies at both central and local levels to protect the rights covered by the Optional Protocol. The Committee also regrets the lack of mechanisms for the periodic evaluation of the implementation of the Protocol.

74. **The Committee encourages the State party to strengthen coordination, at both central and local levels, in the areas covered by the Optional Protocol and to establish mechanisms for the periodic evaluation of the implementation of the Protocol.**

#### **Dissemination and training**

75. The Committee is concerned that efforts to raise awareness among relevant professional categories and the public on the areas covered by the Protocol remain insufficient.

76. **The Committee recommends that adequate and effective resources be earmarked for well-targeted and effective public awareness campaigns and for the development of training materials and courses for all relevant professionals including police officers, public prosecutors, judges, medical staff and other professionals involved in the implementation of the Optional Protocol. In addition, the Committee recommends that the State party make the provisions of the Optional Protocol widely known, particularly to children through, inter alia, school curricula.**

#### **Non-discrimination**

77. The Committee is concerned about the stigmatization of children who have contracted HIV/AIDS as a consequence of being victims of trafficking or prostitution.

78. **The Committee recommends that the State party undertake awareness-raising measures among the population in order to combat and prevent discrimination of the children mentioned under paragraph 7 and sensitize legal and other professionals on the effects of HIV/AIDS on the affected children and ensure that these children have equal access to education, health care and other social services.**

#### **Data collection**

79. The Committee regrets the lack of data disaggregated by age, sex and minority group as well as the lack of research on the prevalence of national and cross-border trafficking, child prostitution and child pornography.

80. **The Committee recommends that the State party ensure that in-depth studies are undertaken into issues covered by the Protocol and that data, disaggregated, inter alia, by age, sex, minority group, are systematically collected and analysed inasmuch as they provide essential tools for measuring policy implementation.**

#### **Budget allocations**

81. The Committee regrets the lack of information provided on budget allocations for the implementation of the Optional Protocol.

82. **The Committee encourages the State party to provide more complete information on the budget allocations for the implementation of the Optional Protocol and National Action Plan on Trafficking.**

### **C.2. Prohibition of the sale of children, child pornography and child prostitution**

#### **Existing criminal or penal laws and regulations**

83. The Committee welcomes the fact that provisions prohibiting the sale of children, child prostitution and pornography have been included in the national Criminal Code. However, the Committee is concerned that the national legal framework does not incorporate all elements of articles 2 and 3 of the Protocol:

(a) Article 133 of the Criminal Code does not cover sufficiently the sale of children for the purpose of forced labour (art. 3, 1 (a) (i) (c) OP);

(b) Article 270 of the Criminal Code regarding recruitment for prostitution mentions specific methods of this recruitment but does not make punishable the recruitment of a child for prostitution regardless of the methods used;

(c) Article 273 of the Criminal Code does not explicitly prohibit possession of child pornography (art. 3 (1) (ii) (c));

(d) Legal persons cannot be liable for crimes under the Optional Protocol;

(e) Legal provisions with regard to adoption need strengthening by adherence to international standards and establishment of a central regulating authority.

84. **The Committee recommends that the State party:**

(a) **Review the existing provisions in the Criminal Code in order to bring them into full compliance with the Optional Protocol (either via amendments or via new provisions);**

(b) **Conduct a thorough study of the use of the Internet for the dissemination of child pornography or other forms of sexual exploitation (e.g. recruitment for prostitution) and introduce specific legal provisions to combat these phenomena, including the full mandatory cooperation of Internet providers in this regard;**



(c) **Strengthen the legislative framework by ratifying the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption (1993); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); the Council of Europe Convention on Cyber Crime (2001); and the Council of Europe Convention on Action against Trafficking in Human Beings (2005).**

### **C.3. Penal/criminal procedure**

#### **Jurisdiction and extradition**

85. The Committee is concerned that the requirement of double criminality, either for extradition or domestic prosecution of crimes allegedly committed abroad, hampers the prosecution of offences outlined in articles 1, 2 and 3 of the Optional Protocol.

86. **The Committee recommends that the State party amend legislation in order to abolish the requirement of double criminality for extradition and/or prosecution of offences committed abroad.**

### **C.4. Protection of the rights of child victims**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

87. The Committee is concerned that the provisions of article 8 of the Optional Protocol have not been adequately integrated into the relevant laws of the State party.

88. **The Committee recommends that the State party undertake the necessary legislative amendments in order to bring the national law into full compliance with article 8 of the Optional Protocol paying special attention to the right of the child victim to present his/her views, needs and concerns in a criminal procedure against the alleged perpetrator, to be appropriately supported throughout the process and to have his privacy and identity fully respected and protected. It further recommends that the State party be guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution No. 2005/20).**

89. The Committee regrets the lack of information on special measures undertaken to protect the rights and interests of victims of the sale of children, prostitution and pornography such as the provision of legal, medical and psychosocial assistance.

90. **The Committee urges the State party to implement appropriate measures for victims of the sale of children, prostitution and pornography, which should include in particular:**

- (a) **Non-criminalization of the victims;**
- (b) **Free legal aid;**

- (c) **Medical and psychosocial attention;**
- (d) **Free telephone hotlines;**
- (e) **Accessible crisis centres;**
- (f) **Social reintegration programmes for child victims;**
- (g) **Access to shelter and temporary residence permission for foreign trafficking victims during the investigation period.**

#### **C.5. Prevention of the sale of children, child prostitution and child pornography**

##### **Measures adopted to prevent offences referred to in the Optional Protocol**

91. The Committee notes recent attempts to conduct investigations and prosecutions for incidents involving the sale of children and child prostitution, however, it remains concerned that the number of initiated investigations and prosecutions is scarce in relation to the extent of the problem. In particular, the Committee remains concerned about allegations of complicity by State officials in trafficking and that corruption impedes the effectiveness of prevention measures.

92. **Given the fact that the credibility of the administration of justice is essential in order to undertake preventive measures effectively, the Committee urges the State party to ensure that any suspicion of complicity by State officials is investigated and sanctioned. Furthermore, the Committee recommends that the State party encourage further coordination between authorities responsible for the administration of justice, local authorities and NGOs on the implementation of preventive measures.**

93. The Committee is especially concerned about the vulnerability of street children, children who are foreign citizens or who belong to ethnic minorities.

94. **The Committee recommends that the State party pay particular attention to the situation of vulnerable groups of children who are at particular risk of being exploited and abused. In this respect it recommends that the State party allocate adequate human and financial resources for the implementation of programmes for the protection of the rights of vulnerable children, with special attention to their education and health care. More attention should also be devoted to raising awareness among these children of their rights.**

95. The Committee welcomes the awareness-raising campaigns that have been conducted for the public, e.g. via the radio and directly aimed at children, e.g. via schools as part of the National Action Plan. However, it is concerned that targeted preventive measures remain outstanding.

96. **The Committee encourages the State party to undertake further targeted preventive measures and liaise with NGOs concerning the implementation of awareness-raising**

**campaigns. In particular, the Committee encourages the State party to undertake research on the nature and extent of commercial sexual exploitation of children, including prostitution and pornography, to identify the causes and extent of the problem.**

#### **C.6. International assistance and cooperation**

##### **Law enforcement**

**97. The Committee encourages the State party to continue and strengthen its international judicial, police and victim-oriented cooperation activities with a view to preventing and combating the sale and trafficking of children, child prostitution and child pornography and to provide more detailed information in the next report.**

#### **C.7. Follow-up and dissemination**

##### **Follow-up**

**98. The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant government ministries, the Parliament and to provincial authorities for appropriate consideration and further action.**

##### **Dissemination**

**99. The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

#### **C.8. Next report**

**100. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child due, in accordance with article 44 of the Convention, on 10 September 2006.**

#### **Concluding observations: Morocco**

**101. The Committee considered the initial report of Morocco (CRC/C/OPSA/MAR/1) at its 1085th meeting (see CRC/C/SR.1085), held on 11 January 2006 and adopted at its 1120th meeting, held on 27 January 2006 the following concluding observations.**

## **A. Introduction**

102. The Committee welcomes the submission of the State party's initial report and appreciates the written replies to its list of issues as well as the frank and open dialogue with a competent delegation.

103. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 6 June 2003 contained in CRC/C/15/Add.211.

## **B. Positive aspects**

104. The Committee welcomes a number of measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, including changes in the Penal Code criminalizing child pornography, sex tourism, sexual abuse and trafficking in persons. The Committee further welcomes:

(a) The fact that the State party is the focal point for the Arab-African region on follow-up to the Yokohama declaration and Action Plan;

(b) The launching of a campaign between 2003 and 2004 to fight sexual exploitation of children;

(c) The incorporation of the Optional Protocol into domestic law by publication into the Official Bulletin No. 5192 of 4 March 2004;

(d) The establishment of specialized units within the police dealing with children and with cyber criminality.

## **C. Principal areas of concern and recommendations**

### **C.1. General measures of implementation**

#### **Coordination and evaluation of the implementation of the Protocol**

105. While the Committee takes note of the information that various ministries and governmental bodies, as well as several NGOs, are involved in implementing the Optional Protocol, it regrets the lack of mechanisms for the periodic evaluation of its implementation and that the coordination on the matter is still insufficient.

106. **The Committee encourages the State party to strengthen and consolidate coordination in the areas covered by the Optional Protocol and to establish mechanisms for the periodic evaluation of its implementation.**

## **National Plan of Action**

107. The Committee notes the elaboration of a National Plan of Action for Children (PANE) 2005-2015 which also targets vulnerable groups, inter alia, children victims of abuse and violence.

**108. The Committee recommends that the State party make a step further towards the adoption and implementation of the PANE and provide a specific budget allocation for its adequate implementation.**

## **Dissemination and training**

109. The Committee expresses appreciation for the State party's efforts to raise awareness among the public about the provisions of the Optional Protocol and, in particular, it welcomes the organization of specific training courses offered to professional groups working with and for children (teachers, judges, police officers, doctors, social workers, animators, etc.). However, the Committee is concerned that information on sexual exploitation is still insufficient and almost inexistent on child pornography and the sale of children and that there is also a need to raise public awareness in order to change attitudes and behaviours on these issues.

**110. The Committee recommends that the State party continue and strengthen measures to disseminate the provisions of the Optional Protocol among its population, especially among children and parents, by using school curricula and appropriate materials specifically for children. In particular, it recommends that the State party consider launching a national strategy of communication to combat all types of exploitation, abuse and violence against children that would include information and awareness-raising campaigns.**

## **Data collection**

111. The Committee regrets that data on the issues covered by the Protocol are dispersed and not collected in a systematic way.

**112. The Committee recommends that the State party establish a centrally coordinated mechanism of collection, analysis and dissemination of existing data on issues covered by the Protocol and to use them as a basis for action. The State party should also continue carrying out in-depth research and studies in order to gather as much disaggregated data as possible on issues covered by the Protocol.**

## **Budget allocations**

113. The Committee regrets that, according to the State party's report, most of the difficulties encountered in the implementation of the provisions of the Optional Protocol are due to inadequate funding allocated to the various departments working towards the implementation of the Optional Protocol.

114. **The Committee encourages the State party to allocate more resources for the implementation of the Optional Protocol, including to organizations of civil society involved in its implementation, and to provide more complete information in this respect in its next report.**

## **C.2. Prohibition of the sale of children, child pornography and child prostitution**

### **Existing criminal or penal laws and regulations**

115. The Committee welcomes an amendment to the Penal Code in 2003 introducing the crime of “sex tourism” but is concerned about the information that child prostitution and sex tourism involving young Moroccans as well as immigrants, especially boys, continues to be a problem.

116. **The Committee recommends that the State party intensify its efforts to tackle the problem of prostitution of children, including in the context of sex tourism, by developing a specific strategy targeting the tourist industry, including specific messages on child rights and on the existing sanctions against child abusers.**

### **Implementation of new laws**

117. The Committee notes with appreciation the entry into force of new laws related to child labour, child pornography and trafficking of persons, and welcomes the approval of the revised Penal Code containing provisions against sexual abuse of children. The Committee is nonetheless concerned that the implementation of these laws is inadequate.

118. **The Committee recommends that the State party ensure a proper implementation of its legislation. Furthermore, the Committee recommends that the State party:**

(a) **Consider adopting specific legislation on the obligations of internet service providers with a view to prohibiting child pornography on the Internet;**

(b) **Strengthen its legislative framework by becoming a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime.**

## **C.3. Penal/criminal procedure**

### **Extradition**

119. The Committee is concerned about the compliance of the State party’s law and practice with article 5 (1) of the Optional Protocol, notably that all the offences referred to in article 3, paragraph 1 of the Optional Protocol be considered as extraditable offences.

120. **The State party should take all necessary steps to ensure that its extradition policies are in conformity with the requirements set out in article 5 of the Optional Protocol.**

#### **C.4. Protection of the rights of child victims**

##### **Measures adopted to protect the rights and interests of child victims**

121. The Committee welcomes the establishment of judges for juveniles at the first instance court and acknowledges with satisfaction the strengthening of the Minor Council's role. However, the Committee is concerned about the lack of mechanisms for the collection, monitoring and reporting of instances of child exploitation and abuse.

**122. The Committee recommends that the State party establish a monitoring and reporting system on all cases of exploitation and abuse of children along with a mechanism for follow-up. The State party should also continue providing information on any investigation, prosecution by the police and/or the judiciary on cases covered by the Optional Protocol as well as on their outcome.**

123. The Committee is concerned about the information that child victims of crimes covered by the Optional Protocol are often stigmatized and socially marginalized and may be held responsible, tried and placed in centres for the deprivation of liberty.

**124. The Committee recommends that the State party ensure that child victims of exploitation and abuses are neither criminalized nor penalized and that all possible measures be taken to avoid the stigmatization and social marginalization of these children.**

125. While the Committee welcomes the establishment in urban and rural communities of Child Protection Units that are in charge of receiving and counselling children who are victims of physical and sexual abuse, it is concerned that these Units have not yet been established throughout the country.

**126. The Committee recommends that child victims are assisted within social and medical structures, including the recently established Child Protection Units, which should be expanded throughout the country.**

127. The Committee, while welcoming the fact that children have the possibility of directly filing a complaint when they are victims of the practices prohibited under the Optional Protocol, is concerned about the need for appropriate measures of protection for children victims and witnesses.

**128. The Committee invites the State party to modify its procedure in order to protect child victims and witnesses at all stages of the criminal justice process. It further recommends that the State party be guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20). Inter alia, the State party should:**

(a) **Limit as much as possible that a child victim of crimes covered under the Optional Protocol has to testify in Court;**

(b) **Use child-sensitive procedures, including interview rooms designed for children;**

(c) **Ensure that trials take place as soon as practical, unless delays are in the child's best interest;**

(d) **Avoid direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;**

(e) **Introduce a systematic use of audio and video recording of the declarations of child victims.**

129. The Committee is also concerned about the difficulties the State party encounters due to budget constraints and limited human resources with respect to programmes concerning social reintegration and recovery for child victims.

130. **The Committee urges the State party to give priority to allocating budgetary resources so that adequate services are available for child victims, including physical and psychological recovery, social reintegration and repatriation when appropriate. The State party should also provide assistance to NGOs providing counselling, recovery and reintegration services to children abused and exploited.**

131. **The Committee welcomes the establishment by the National Observatory on the Rights of the Child of a round-the-clock free-toll helpline number to assist child victims. In this regard it recommends that the State party ensure that children are aware of and can access the helpline and facilitate the collaboration of the helpline with child-focused NGOs, the police as well as health and social workers.**

#### **C.5. Prevention of the sale of children, child prostitution and child pornography**

##### **Prevention**

132. The Committee is concerned about the difficult situation of certain groups of children, such as street children, working children, domestic maids, "petites bonnes", migrant and trafficked children, who are particularly vulnerable to all forms of exploitation.

133. **The Committee, reiterating the concerns and recommendations expressed in its concluding observations on the State party's second periodic report (CRC/C/15/Add.211, paras. 60-61), recommends that the State party pay particular attention to the situation of vulnerable groups of children who are at particular risk of being exploited and abused. In this respect it recommends that the State party allocate adequate human and financial resources for the implementation of programmes for the protection of the rights of vulnerable children, with special attention to their education and health care. More attention should also be devoted to raising the awareness among these children of their rights.**

134. The Committee notes that the State party is initiating projects aiming at poverty reduction in cooperation with the UNDP Morocco, the civil society, and several NGOs. However, the Committee is concerned about the difficulties arising from the scarce coordination of these projects and the lack of adequate financial resources.



135. The Committee recommends that adequate importance be given, including at the financial level, to projects aimed at addressing poverty, which is among the main causes of all forms of exploitation, and encourages the State party to adopt a comprehensive policy to combat poverty.

136. The Committee encourages the State party to continue its efforts to inform children, their parents and all the individuals involved in protection of child rights about legislative and other measures, policies and programmes adopted to prevent the offences referred to in the Optional Protocol.

#### **D. International assistance and cooperation**

##### **Protection of victims**

137. The Committee encourages the State party to continue its cooperation with United Nations specialized agencies such as the United Nations Children's Fund (UNICEF) and international non-governmental organizations (NGOs) such as End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International to reform the relevant legislation and bring it into compliance with the Optional Protocol.

##### **Law enforcement**

138. The Committee notes with appreciation the numerous bilateral agreements that the State party has signed with other States in the domain of judicial cooperation. The Committee encourages the State party to strengthen the cooperation with law enforcement agencies of States facing problems in the area covered by the Optional Protocol.

#### **E. Follow-up and dissemination**

##### **Follow-up**

139. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet of Ministers, the Parliament, and to local governments and parliaments, when applicable, for appropriate consideration and further action.

##### **Dissemination**

140. The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **F. Next report**

141. **In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child in accordance with article 44 of the Convention due before 20 January 2009.**

## **Concluding observations: Peru**

142. The Committee considered the third periodic report of Peru (CRC/C/125/Add.6) at its 1087th and 1089th meetings (see CRC/C/SR.1087 and 1089), held on 12 January 2005 and adopted at the 1120th meeting held on 27 January 2006 the following concluding observations.

### **A. Introduction**

143. The Committee welcomes the submission of the State party's third periodic report as well as the detailed written replies to its list of issues (CRC/C/Q/PER/3), which allowed the Committee to have a clear understanding of the situation of children in the State party. It further welcomes the frank and open dialogue with a high-level and cross-sectoral delegation.

### **B. Follow-up measures undertaken and progress achieved by the State party**

144. The Committee welcomes:

- (a) The adoption of the National Plan of Action for Children and Adolescents 2002-2010;
- (b) The adoption of the National Plan of Action on the Prevention and Eradication of Child Labour, in 2005;
- (c) The establishment of the National Programme against sexual and domestic violence, in 2001;
- (d) The adoption of the Plan of Action against Poverty 2004-2006;
- (e) The launching of the 2005 Programme "Juntos" aimed at supporting the most disadvantaged families.

145. The Committee also wishes to welcome the ratification of:

- (a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography on 8 May 2002;
- (b) The International Convention on the Protection on All Migrant Workers and Members of Their Families, on 14 September 2005;

(c) ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, respectively on 13 November 2002 and on 10 January 2002;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, on 23 January 2002;

(e) The Rome Statute of the International Criminal Court, on 10 November 2001.

### **C. Main subjects of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

##### **Committee's previous recommendations**

146. The Committee notes that some concerns and recommendations (CRC/C/15/Add.120) made upon consideration of the State party's second periodic report (CRC/C/65/Add.8) have been addressed. However, it regrets that other of its concerns and recommendations have been insufficiently or partly addressed, including, inter alia, those related to the strengthening of the "Ente Rector", non-discrimination, resource allocation, respect for the views of the child, physical and sexual abuse of children within and outside the family, regional disparities in access to health care, limited access to education for children belonging to indigenous groups, economic exploitation of children and the administration of juvenile justice.

**147. The Committee urges the State party to take all necessary measures to address those recommendations in the concluding observations of the second periodic report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the third periodic report.**

##### **Legislation and implementation**

148. The Committee notes that there are still discrepancies between some domestic laws and the Convention. Concern is expressed in particular about the articles in the Code on Children and Adolescent referring to "pernicious gangs" (Decree Law No. 899 on "*pandillaje pernicioso*") which provide that persons below 18 in conflict with this law may be deprived of liberty for up to six years, and at the so-called "Begging Bill" ("*Ley de Mendicidad*" No. 28190).

**149. The Committee recommends that the State party increase its efforts to guarantee the full harmonization of its domestic law with the Convention and to consider repealing the "Begging Bill" and the article in the Children's Code referring to "*pandillaje pernicioso*".**

150. The Committee welcomes the report of the Truth and Reconciliation Commission (CVR) presented to the President of the Republic in August 2003 as well as the fact that, among its

recommendations, there is the establishment of an Integral Plan of Reparations for the victims of violence. However, it is concerned that the recommendations have been only partly implemented and that, so far, only few victims have been granted reparations.

**151. The Committee recommends that the State party adequately and effectively implement all the recommendations of the Truth and Reconciliation Commission, in particular those related to the Integral Plan of Reparations for the victims of violence, and to pay particular attention to the consequences of the armed conflict for children.**

#### **National Plan of Action**

152. While the Committee welcomes the adoption of the National Plan of Action 2002-2010 for children and adolescents, as well as the establishment of a multisectoral Commission for its monitoring and implementation, it is concerned that there is no specific budget allocation for the implementation of the Plan of Action and that civil society, including children's organizations, do not have any role within the monitoring Commission.

**153. The Committee recommends that the State party provides the necessary resources both at the national and local level for an effective implementation of the National Plan of Action (2002-2010) for children and adolescents with the aim of realizing the principles and provisions of the Convention, and taking into account, inter alia, the outcome document "A World Fit for Children" adopted by the General Assembly special session in May 2002. The Committee also recommends that civil society, including children organizations, be represented within the monitoring Commission.**

#### **Coordination**

154. The Committee is concerned that due to a recent re-structuring of the Ministry for Women and Social Development (MIMDES), the General Directorate on Children and Adolescents has been downgraded as a sub-unit within a new unit for family and community, which may negatively impact on its potential and effectiveness in the coordination of activities regarding the implementation of the Convention at all levels of Government.

**155. The Committee recommends that the State Party give an adequate mandate to the General Directorate on children and adolescents in order to enable it to coordinate activities for the implementation of the Convention. In this regard, special attention should be given to make decentralization effective in terms of financial and human resources, functions and empowerment and to ensure effective coordination of the decentralized bodies.**

156. The Committee is further concerned that the "Defensorias del Niño y del Adolescente" established at the municipal level do not have sufficient human and financial resources to function properly.

**157. The Committee recommends that the General Directorate on Children and Adolescents systematically develop training in children's rights for the "Defensorias" at the municipal level and provide them with adequate financial resources both from the national budget and from international cooperation funds.**

### **Independent monitoring**

158. The Committee is concerned that there is no Ombudsman (Defensoria del Pueblo) specifically devoted to monitor the implementation of children's rights.

159. **The Committee recommends that the State party envisage the creation of an Ombudsman for Children at the national level, with coordinating functions and provided with adequate human and financial resources. The Committee further recommends that the Office of the Ombudsman have the mandate to deal with complaints from children in a child-sensitive and expeditious manner. In this regard the Committee draws attention to its general comment No. 2 on national human rights institutions (2002) and the Paris Principles (General Assembly resolution 48/134, annex).**

### **Resources for children**

160. The Committee is concerned that - despite the constant growth in the economy (24 per cent between 2001 and 2005) and the incorporation of children's issues into policy priorities - the allocation and implementation of the current budget for children is insufficient. Furthermore, while welcoming the development of minimum standards for budgeting, the Committee is concerned that recently some of the budget allocated for education, health care and other services has declined (on percentage of the budget/GDP) and that some of the budgets earmarked for specific groups of children were not exclusively spent for these target groups.

161. **The Committee recommends that the State party, in accordance with article 4 of the Convention, increase budget allocations for the implementation of the rights recognized in the Convention and prioritize them in order to ensure implementation of the economic, social and cultural rights of all children, especially those belonging to economically disadvantaged groups, such as indigenous children.**

### **Data collection**

162. While the Committee welcomes the presence of statistical data and information throughout the report and the written replies, it is concerned that information on children with disabilities and indigenous children is limited and that there is no centralized data management system to monitor progress on the indicators defined in the National Plan of Action for Children and Adolescents (NAPCA) and in other social programmes and plans.

163. **The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of data collection on the implementation of the Convention covering all children below the age of 18 years and disaggregated by those groups of children who are in need of special protection, including indigenous children, children belonging to minority groups, children living or working in the streets, child domestic workers, children with disabilities and children in institutions.**

### **Training/dissemination of the Convention**

164. The Committee regrets the paucity of information with respect to the training and/or the dissemination of the Convention.

165. **The Committee recommends that the State party strengthen its efforts to disseminate in a systematic and permanent manner the Convention throughout the country and to raise public awareness, in particular among children themselves and parents, about its principles and provisions.**

166. **Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professionals working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health and local Government personnel, media, social workers, teachers, school administrators and others as required.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

167. **The Committee is concerned that de facto discrimination still exists towards certain vulnerable groups such as children with disabilities, indigenous children, children living in rural and remote areas and those working or living in the streets.**

168. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups throughout the country.**

169. **The Committee also requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education).**

### **Best interests of the child**

170. **While the Committee welcomes that the principle of the best interests of the child is enshrined in article VIII of the Code on Children and Adolescents, it is concerned that this principle is not fully applied in practice, for instance in the allocation of resources to children, in decisions on alternative care and their revision and in the administration of justice.**

171. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately understood and integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

### **Respect for the views of the child**

172. **The Committee notes the State party's efforts to promote respect for the views of the child in school, but it remains concerned about their still limited participation in matters affecting**

them, in particular in the family, in schools and in the local community. The Committee is further concerned about reports that children were not included in decisions of local authorities which severely affected vulnerable groups of children.

**173. The Committee recommends that the State party promote, facilitate and implement in practice, within the family, schools, community, other institutions as well as in judicial and administrative procedures, the principle of respect for the views of children as well as their participation in all matters affecting them, in accordance with article 12 of the Convention.**

### **3. Civil Rights and Freedoms (arts. 7, 8, 113-117 and 37 (a) of the Convention)**

#### **Birth registration**

174. The Committee appreciates the considerable efforts demonstrated by the State party towards achieving birth registration for all children. However, the Committee is concerned that there are still about 15 per cent of Peruvian children who are not properly inscribed in the Civil Registry System, mostly children in rural and remote areas of the country.

**175. The Committee reiterates its previous recommendation and urges the State party to make a priority of the immediate registration of the births of all children and to promote and facilitate the registration of those children who were not previously registered at birth, in light of article 7 of the Convention. In particular, the State party should modernize and ensure the proper operation and maintenance of the Registrar's Office, including by providing it with the necessary financial resources, qualified and well-trained staff and making the system more accessible throughout the country.**

### **4. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

#### **Family care and parental responsibilities**

176. The Committee welcomes the fact that one of the goals of the National Plan of Action is to assist parents in fulfilling their responsibilities, but it is concerned about the lack of a comprehensive set of measures to support and empower the most vulnerable families.

**177. The Committee recommends that the State party strengthen its efforts to provide vulnerable families with the necessary support, inter alia, by increasing the budget for financial and other assistance, including counselling and empowerment of these families.**

#### **Alternative care**

178. The Committee is concerned about the fact that placement in an institution is not always used as a measure of last resort. Furthermore, it is also concerned that some of the institutions for the care of children temporarily or permanently deprived of their family environment are in precarious condition and that there is limited capacity to serve all children in need of alternative care and who cannot be cared for in family-type alternative care.

179. **The Committee recommends that, when placement in an institution is the necessary last resort for children temporarily or permanently deprived of a family environment, the State party ensure that suitable institutions for the care of children be available. The Committee further recommends that the State party recognize the right of children placed in institutions to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement. In addition, a complaint mechanism should be available and accessible for children placed in institutions.**

#### **Violence, abuse, neglect and maltreatment**

180. The Committee is concerned that - despite recent measures taken in this respect - domestic violence and abuse of children, including sexual abuse, is widespread in the society and that the Criminal Code does not provide for adequate protection against these forms of abuse.

181. **The Committee urges the State party to strengthen its efforts to:**

- (a) Prevent and combat ill-treatment of children within the family;**
- (b) Reinforce the mechanisms monitoring the extent of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care;**
- (c) Introduce in the Criminal Code provisions specifically addressing these forms of violence and abuse;**
- (d) Expand its toll free child helpline service, Teléfono Anar, in order to be able to reach out to children in remote areas throughout the country.**

182. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Latin America held in Argentina from 30 May to 1 June 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

#### **Corporal punishment**

183. While the Committee welcomes the legal provisions in place to prohibit corporal punishment both in the Penal Code and in Law No. 26260, it expresses concern that corporal punishment is lawful at home and is still widely practiced in the society as an accepted measure of discipline, both within the family and at school. Furthermore, the Committee is concerned that a recent survey showed that children themselves regard this practice as a natural means of discipline and education.



184. **The Committee recommends that the State party introduce and enforce legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including in the home. The State party should also conduct awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of childrearing and education.**

**5. Basic health and welfare**  
(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

**Children with disabilities**

185. The Committee welcomes the establishment of the National Council for the Integration of Disabled Persons (CONADIS) within the MIMDES, as well as the campaigns to sensitize the public against marginalization and prejudices towards persons with disabilities, including children. It expresses concern, however, about the general situation of children with disabilities in the country, who continue to face discrimination, and at the information that very limited infrastructure exists for their care.

186. **The Committee encourages the State party to pursue actively its current efforts and to continue to:**

(a) **Ensure that policies and practice in relation to children with disabilities take due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);**

(b) **Pursue efforts to ensure that children with disabilities enjoy full integration, including mainstream education, and participation in social, cultural and sport activities;**

(c) **Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation and social reintegration programmes, including parent support groups; and**

(d) **Strengthen public awareness campaigns to change negative public attitudes.**

**Health and health services**

187. The Committee is concerned that:

(a) Access to health and health services is inadequate especially in rural and remote areas of the country, resulting in significant disparities in health-care provisions;

(b) The rates of maternal, infant and under-five mortality, despite some improvements, continue to be among the highest in Latin America;

(c) There is high incidence of hepatitis B and anaemia especially among particular groups of indigenous people;

(d) A significant proportion of people living in poverty and extreme poverty, including women and children under 18, are reportedly not affiliated to SIS (Seguro Integral de Salud);

(e) Despite various programmes undertaken in this respect - including the National Programme of Food Assistance (PRONAA) - 25 per cent of children under 5 years of age and 32 per cent of children under 2 years of age still suffer from chronic malnutrition.

188. **The Committee recommends that the State party:**

(a) **Ensure basic health care and services to all children throughout the country and continue to address the problem of malnutrition, with special emphasis on rural and remote areas;**

(b) **Strengthen its efforts to urgently tackle infant, child and maternal mortality throughout the country;**

(c) **Expand the “Health Integral Service” (Servicio Integral de Salud) addressed to families living in poverty or extreme poverty;**

(d) **Give special attention to the problem of indigenous communities affected by Hepatitis B epidemic, including by urgently ensuring vaccination for newborn babies.**

189. The Committee notes the concerns of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, who recently visited the State party, with respect to the potential impact that bilateral Trade Agreements may have on the access to affordable essential medicines for some individuals and groups, including antiretrovirals for people with HIV/AIDS (E/CN.4/2005/51/Add.3).

190. **The Committee recommends that the State party always take its human rights obligations into account when negotiating Trade Agreements, in particular as to the possible impact of commercial agreements on the full enjoyment of the right to health.**

#### **Environmental health**

191. The Committee is concerned about environmental health problems arising from a lack of access to safe drinking water, inadequate sanitation and contamination by extractive industries, which mainly affect the health and livelihoods of vulnerable groups, including children.

192. **The Committee reiterates the recommendation of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, that the State party carry out independent, rights-based environmental and social impact assessments prior to the setting up of all mining or other industrial projects that may have harmful impacts on the right to health of children. The Committee further recommends that the State party strengthen its efforts to provide sanitation and safe drinking water to all the population, with special attention to rural and remote areas.**

## Adolescent health

193. The Committee is concerned about the high rate of teenage pregnancies and at the number of teenage girls dying as a result of abortions. Furthermore, the Committee is concerned about the lack of adequate sexual and reproductive health services, also due to insufficient allocation of resources in these sectors.

194. **The Committee recommends that the State party, taking into account the Committee's general comment on adolescent health and development in the context of the Convention (CRC/GC/2003/4), ensure access to reproductive health services to all adolescents and conduct awareness-raising campaigns to fully inform adolescents of reproductive health rights, including prevention of Sexually Transmittable Diseases (STDs) and early pregnancies. Furthermore, the State party should take all possible measures to address the issue of the deaths of teenage girls as a result of abortions.**

## Mental health

195. The Committee is concerned about the high incidence of drug, alcohol and tobacco consumption among adolescents as well as at the rate of youth suicides, especially in some departments, such as Arequipa and Junin.

196. **The Committee recommends that the State party provide adequate access to mental health services to all children and take all necessary measures to fight drug, alcohol and tobacco addictions including, inter alia, by providing specific rehabilitation services.**

## HIV/AIDS

197. The Committee is concerned about the increase of HIV/AIDS among children and adolescents partly due to mother-to-child transmission. The Committee is also concerned that:

- (a) Only 8 per cent of HIV-positive mothers had access to antiretroviral treatment, which is essential to prevent HIV/AIDS mother-to-child transmission;
- (b) Children orphaned due to HIV/AIDS and HIV-positive children are discriminated against in school and within the society;
- (c) There is limited access to HIV-testing.

198. **The Committee recommends that the State party, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):**

- (a) **Strengthen its measures to prevent mother-to-child transmission, inter alia, through coordination with the activities aimed at reducing maternal mortality;**
- (b) **Provide antiretroviral treatment to HIV-positive women and expand the coverage of HIV tests for pregnant women;**

(c) **Pay particular attention to children infected and affected by HIV/AIDS or who have become orphans due to the death of their parents from AIDS, through providing adequate medical, psychological and material support and by involving the community;**

(d) **Strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and/or affected by HIV/AIDS;**

(e) **Ensure the provision of adequate financial and human resources for the effective implementation of the HIV/AIDS Strategic National Plan;**

(f) **Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS and UNICEF.**

### **Standard of living**

199. The Committee is concerned about the high degree of poverty in the country, where - according to the State party's written replies - about two-thirds of children live in poverty while about 30 per cent of them are in a situation of extreme poverty. The Committee is further concerned that housing and living conditions in rural areas are very poor and that only 34 per cent of families living in rural areas have access to water (while this percentage rises to 74 per cent for urban areas).

200. **The Committee recommends that the State party take all possible actions, including providing additional and better managed resources, to reduce poverty and ensure universal access to basic goods and services, including housing and clean drinking water, paying special attention to remote and rural areas.**

### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

201. The Committee welcomes the active role of school councils as well as the programmes developed by the State party especially in the field of pre-primary education, such as PRONEI and WAWA WASI. Likewise, the Committee also welcomes the increase in the completion rate of primary education. However, it is still concerned about:

(a) The low level of budget allocations for education and the minimal increases planned by the Government;

(b) The discrepancies - both in quality and infrastructure - between urban and rural schools and public and private schools. In particular, the Committee is concerned about the deplorable conditions of schools in remote areas and the low quality of education there;

(c) The lack of adequate training of teachers, including skills for intercultural bilingual education to indigenous communities;

- (d) The fact that neither at primary nor at the secondary level all children attend school regularly, that drop-out and repetition rates are very high and that almost every fourth adolescent (age 12 to 17) has left school, inter alia because of lack of schools;
- (e) The even higher non-attendance and earlier drop-out of girls because of traditional views and partly due to early pregnancies and maternity;
- (f) The limited access to vocational training;
- (g) Hidden costs associated with schooling;
- (h) The results of the Programme for International Study Assessment (PISA study) undertaken in 2002, according to which State party's students were ranked in the last positions of the survey.

**202. The Committee recommends that the State party:**

- (a) Emphasize the quality of education and accelerate the increase of better targeted resources to education in the national budget;**
- (b) Increase efforts to improve conditions of schools in remote and rural areas and eliminate discrepancies in access to quality education between urban and rural areas;**
- (c) Strengthen measures aimed at increasing enrolment and completion rates as well as reducing dropout rates;**
- (d) Strengthen efforts at teacher training and improve their working conditions, including salaries;**
- (e) Improve intercultural bilingual education;**
- (f) Increase its efforts to relieve families from additional and hidden costs of school attendance;**
- (g) Provide more demand-driven technical and vocational training and organize vocational counselling for children;**
- (h) Increase education opportunities for children outside schools and working children through specific programmes tailored to their life conditions;**
- (i) Seek technical assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF).**

**7. Special protection measures**  
**(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

**Economic exploitation, including child labour**

203. While the Committee welcomes the State party's legislative and other measures in the area of child labour, e.g. via the activities of labour inspectors, it remains deeply concerned about the information that hundreds of thousands of children and adolescents are in the labour market, especially in the informal sector, marginalized from education and victims of exploitation and abuse. The Committee is further concerned that legislative provisions protecting children from economic exploitation are often violated and that children are exposed to dangerous and/or degrading work, including in mines, garbage dumps and battery recycling.

204. The Committee is further concerned about the fact that the minimum age for admission to employment is set at 14 years, which is below the age of the end of compulsory education that is set at 15 years.

205. **The Committee recommends the State party to:**

**(a) Undertake a survey of the number of children working, including as domestic workers and in the agricultural sector, in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation. To this end, the State party should take into adequate account the views of children organizations;**

**(b) Ensure the full implementation of legislation covering article 32 of the Convention, and ILO Conventions No. 138 and No. 182, including the prevention of the worst forms of child labour as listed in accordance with ILO Conventions;**

**(c) Increase the minimum age for admission to employment to 15 years, when compulsory education ends;**

**(d) Ensure adequate budget allocations for the implementation of the National Plan of Action on the Prevention and Eradication of Child Labour;**

**(e) Undertake awareness raising campaigns to prevent and combat the economic exploitation of children;**

**(f) Continue seeking technical assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF, among others.**

**Street children**

206. The Committee, while appreciating the programme "*Educadores de Calle*" (PEC), is concerned about the high number of street children in the State party mostly due to socio-economic factors as well as abuse and violence in the family. The Committee is also concerned about the spreading of adolescent violence and street-gangs (*pandillas*), especially in Lima.

207. **The Committee recommends that the State party:**

- (a) Provide street children, in consultation with them, with recovery and social reintegration services as well as with adequate nutrition, housing, necessary health care and educational opportunities;**
- (b) Facilitate, whenever possible, the reunification of these children with their families;**
- (c) Support NGOs working with street children;**
- (d) Provide training on the principles of the Convention, especially non-discrimination and best interests of the child, to judicial and administrative authorities as well as non-governmental organizations working with street children;**
- (e) Develop socio-educational plans and strategies to deal with street-gangs (*pandillas*);**
- (f) Seek assistance from, inter alia, UNICEF.**

#### **Sexual exploitation and trafficking**

208. The Committee welcomes the measures taken by the State party to combat sexual exploitation and trafficking of children, including Law No. 28251 adopted in June 2004 that significantly increased penalties for the sexual abuse of children and introduced new crimes such as sexual tourism and child pornography through Internet. However, the Committee is concerned about the information that a very high number of children - 500,000 according to the data - are victims of sexual exploitation and violence.

209. **The Committee recommends that the State party:**

- (a) Define trafficking in the criminal legislation according to the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;**
- (b) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children, who should be treated as victims and neither criminalized nor penalized;**
- (c) Approve and implement a national plan of action against sexual exploitation and trafficking of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congress against Commercial Sexual Exploitation of Children;**

**(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and process complaints in a child-sensitive manner that respects the privacy of the victim;**

**(e) Seek technical assistance from, among others, UNICEF and the International Labour Organization (ILO).**

210. The Committee notes with concern that there were almost 5,000 reports of disappearances in the context of cross-border trafficking between 2002 and 2005, 35.3 per cent of which concerned children. In particular, the Committee expresses concern at reports of disappearances of children in rural areas such as Ayacucho.

**211. The Committee, while noting the activities carried out by the State party in this respect, recommends that it increase and strengthen its efforts to prevent child disappearances, fully investigate those cases and prosecute those responsible.**

#### **Administration of juvenile justice**

212. While the Committee notes some progress in improving the juvenile justice system in the country, including the fact that the Code on Children and Adolescents brought Peruvian legislation generally in conformity with the Convention on the Rights of the Child, it is concerned about:

(a) The lack of juvenile courts or judges for persons below 18 in the interior of the country;

(b) The limited use of “diversion” in the juvenile justice system;

(c) The poor conditions of detention, including the lack of recovery and social reintegration programmes for children.

**213. The Committee recommends that the State party continue and strengthen its efforts to bring the administration of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends that the State party:**

**(a) Establish juvenile courts with appropriately trained staff throughout the country;**

**(b) Establish a functional system of socio-educational measures and ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**



- (c) Improve the conditions of detention of persons below 18, notably by complying with the international standards as to surface area, ventilation, fresh air, natural and artificial light, proper food, drinking water and hygienic conditions;**
- (d) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish any case of mistreatment committed;**
- (e) Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;**
- (f) Provide training for penitentiary staff on children's rights and special needs;**
- (g) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Office on Drugs and Crime (UNODC).**

#### **Children belonging to indigenous groups**

214. The Committee, while acknowledging the State party's efforts in this respect, notes with concern that indigenous communities continue to face serious difficulties in the enjoyment of their rights, especially economic, social and cultural rights. In particular, the Committee is concerned about the lack of recognition of their land rights, pillaging of their resources, inadequate access to basic services, health and education, social exclusion and discrimination.

215. **The Committee recommends that the State party pursue measures to effectively address the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children as contained in the Constitution taking into due account the recommendations adopted by the Committee on its Day of General Discussion on the rights of indigenous children in September 2003.**

### **8. Follow-up and dissemination**

#### **Follow-up**

216. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers, the Congress of the Republic and to municipal Governments and Parliaments, when applicable, for appropriate consideration and further action.**

#### **Dissemination**

217. **The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not**

exclusively) through Internet, to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **9. Next report**

218. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 3 October 2012. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated fourth and fifth report 18 months before its due date, that is on 3 April 2011. This consolidated report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

## **Concluding observations: Ghana**

### **A. Introduction**

219. The Committee considered the second periodic report of Ghana (CRC/C/65/Add.34) at its 1091st and 1093rd meetings (see CRC/C/SR.1091 and 1093), held on 13 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.

220. The Committee welcomes the submission of the second periodic report as well as the written replies to its list of issues (CRC/C/GHA/Q/2), which contained useful statistical data and other detailed information and gave a clearer understanding of the situation of children in the State party.

221. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level delegation representing the various ministries and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

### **B. Follow-up measures undertaken and progress achieved by the State party**

222. The Committee notes with appreciation the adoption of laws aimed at protecting and promoting the rights of the child such as:

(a) The Children's Act (Act 560) in 1998, which conforms to the Convention on the Rights of the Child;

(b) The amendment to the Criminal Code (Act 554) in 1998, including the increase in the age of criminal responsibility from 7 to 12 years;

(c) The Juvenile Justice Act (Act 653) in 2003 which protects the rights of persons below 18; and

(d) The Human Trafficking Act in December 2005 which provides for the rehabilitation and reintegration of victims.

223. The Committee also welcomes the ratification of and accession to the following international human rights instruments:

- (a) The International Labour Organization (ILO) Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in June 2000;
- (b) The Rome Statue of the International Criminal Court in 1999;
- (c) The African Charter on the Rights and Welfare of the Child in 2005; and
- (d) The Convention on the Protection of All Migrant Workers and Members of Their Families in July 2003.

### **C. Factors and difficulties impeding the implementation of the Convention**

224. The Committee takes note that difficult socio-economic conditions, high-level external debt and poverty place limitations upon the State party's financial and human resources and hamper the achievement of effective enjoyment of the rights of the child.

### **D. Principal areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **Committee's previous recommendations**

225. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.73) made upon the consideration of the State party's initial report (CRC/C/3/Add.39) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, data collection, corporal punishment and child labour, have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

**226. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

#### **Legislation**

227. Notwithstanding the positive steps taken by the State party in the context of the comprehensive legislative reform, the Committee remains concerned about the insufficient implementation creating a gap between law and practice. It is further concerned about the lack of adequate human and financial resources for an effective and systematic implementation of the Children's Act and other laws and regulations relevant for the promotion and realization of child rights.

**228. The Committee recommends that the State party strengthen its efforts and take all necessary measures, including provision of human and financial resources to guarantee the implementation of all legislation and its commitment towards policy implementation in a focused and systematic manner.**

### **National Plan of Action**

229. The Committee welcomes the information that the State party is preparing a National Programme of Action (NPA), “Ghana Fit for Children” and notes that at the same time negotiations are under way for the integration of children’s issues into the Ghana Poverty Reduction Strategy (GPRS). However, the Committee is concerned that a comprehensive policy for the implementation for the rights enshrined in the Convention is still lacking.

**230. The Committee recommends that the State party expedite its efforts in adopting and effectively implementing a comprehensive National Plan of Action for the full implementation of the rights enshrined in the Convention, taking into account the objectives and goals of the outcome document entitled “A World Fit For Children” of the United Nations General Assembly Special Session for Children. It further recommends that the State party integrate the priorities identified in the NPA into the GPRS and ensure the allocation of adequate financial and human resources.**

### **Coordination**

231. The Committee notes with appreciation the institutional reform whereby the Ministry of Women and Children’s Affairs (MOWAC) has been established to coordinate, monitor and review the formulation of gender and child responsive policies and their implementation within sectors. However, the Committee remains concerned about the lack of an effective inter-ministerial coordination of all activities related to the implementation of the Convention on the Rights of the Child and the limited resources allocated for the MOWAC. The Committee is also concerned about the limited capacities of the District Assemblies which hamper the implementation of the Convention on the Rights of the Child at the local level.

**232. The Committee recommends that the State party establish a mechanism for an effective inter-ministerial coordination in which NGOs can participate and provide MOWAC with the adequate resources for an effective performance of its tasks and responsibilities. The Committee further recommends that the State party take all necessary measures to ensure that the District Assemblies are sufficiently resourced in terms of well-trained and informed staff as well as adequate financial resources and to strengthen the coordination of activities between the national and district levels.**

### **Independent monitoring**

233. The Committee notes with appreciation the activities carried out by the Ghana Commission of Human Rights and Administrative Justice, especially in the area of juvenile justice and prevention of child neglect and female genital mutilation. However, the Committee notes with regret the abolition of the specific department dealing with child rights. It also expresses concerns at the lack of adequate human and financial resources.

234. **The Committee recommends that the State party reconsider establishing a department within the Ghana Commission of Human Rights and Administrative Justice dealing specifically with child rights. Adequate financial and human resources should be allocated for an effective functioning. In this regard, the Committee refers the State party to its general comment No. 2 (CRC/GC/2002/2) of 2002 on the role of independent national human rights institutions.**

#### **Resources for children**

235. The Committee is concerned about the very limited information on budget allocations for the implementation of the CRC. These allocations seem to be insufficient to respond to national and local priorities for the protection and promotion of children's rights.

236. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by increasing and prioritizing budgetary allocations to ensure at all levels the implementation of the rights of the child and that particular attention is paid to the protection of the rights of children belonging to vulnerable groups including children with disabilities, children affected or/and infected by HIV/AIDS, street children and children living in poverty. It further recommends that the State party provide specific and detailed information on the allocations of these budgets at the national and district level.**

#### **Data collection**

237. While taking note of the efforts made in improving the data collection systems by the different ministries, departments and agencies, the Committee remains concerned about the lack of a permanent system of data collection with expertise in child rights.

238. **The Committee recommends that the State party strengthen its system of collecting disaggregated data for all areas covered by the Convention as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF).**

#### **Dissemination, training and awareness-raising**

239. The Committee notes with appreciation the efforts made by the State party in translating the CRC and the Children's Act into six Ghanaian widely spoken languages to facilitate its appreciation and use among the general public. It also notes the efforts made in carrying out sensitization programmes, including through civil society organizations with the assistance of the vibrant media. The Committee is, however, of the opinion that these measures are not implemented in an ongoing, comprehensive and systematic basis.

240. **The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of adequate and systematic training of all**

**professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in rural areas, religious and traditional leaders, health personnel and social workers, personnel in childcare institutions as well as the media.**

### **Cooperation with civil society**

241. While appreciating the fact that NGOs have been involved in the preparation of the State party's report, the Committee is of the opinion that the role of civil society and in particular of NGOs is not sufficient in the promotion and implementation of the Convention on the Rights of the Child.

**242. The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including, inter alia, their participation in the follow-up to the concluding observations of the Committee.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

243. While noting that the Constitution prohibits discrimination on grounds of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing or political opinion, the Committee expresses its concern at the fact that discrimination against certain groups of children such as girls, children with disabilities, children of asylum-seekers, children of immigrants, children infected and/or affected by HIV/AIDS and street children still exists in practice.

**244. The Committee urges the State party to adopt a comprehensive strategy to eliminate de facto discrimination against all vulnerable groups of children and ensure full implementation of all legal provisions in full compliance with article 2 of the Convention.**

**245. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account of general comment No. 1 on article 29 (1) of the Convention (aims of education) CRC/GC/2001/1 of 2001.**

### **Best interests of the child**

246. The Committee notes that the principle of the best interests of the child is reflected in the Constitution and also in the Children's Act. However, the Committee is concerned that the use of this principle is dependent on the sensitivity of the officials of the particular institution concerned and may not be systematic.

**247. The Committee recommends that the State party ensure that the principle of the best interests of the child is systematically taken into account in all programmes, policies and decisions that concern children.**

**Respect for the views of the child**

248. While noting with appreciation the efforts made by the State party in order to implement the principle of respect for the views of the child, the Committee is concerned that prevailing societal attitudes appear to limit children to express their views freely in schools, within the family and judicial and administrative proceedings, particularly in rural areas.

249. **The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the family, schools, communities, and courts as well as in relevant administrative and other settings in accordance with article 12 of the Convention.**

**3. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

**Birth registration**

250. Notwithstanding the remarkable progress achieved in improving birth registration coverage from 28 per cent in 2003 to 51 per cent in 2004, including through the extensive use of mobile registration units, the Committee remains concerned about the many challenges faced by the State party such as poor staffing, inadequate funding and lack of logistics. The Committee is further concerned about the difficulties in ensuring the birth registration of children, particularly in rural areas, and for abandoned children, asylum-seekers and refugee children.

251. **In light of article 7 of the Convention, the Committee recommends that the State party implement an efficient birth registration system, which covers its territory fully, including through:**

- (a) Strengthening its efforts in terms of financial allocations and improved institutional capacities;**
- (b) Taking appropriate measures to register those who have not been registered at birth;**
- (c) Strengthening the cooperation of the Births and Deaths Registry between the local government and community based institutions;**
- (d) Increasing the appreciation of the importance of birth registration and providing information on the procedure of birth registration, including the rights and entitlements derived from the registration, to the public, including through television, radio and printed materials; and**
- (e) Paying particular attention to the improved access to an early birth registration system by abandoned children, asylum-seekers and refugee children.**

**Access to information**

252. The Committee is concerned about the exposure of children to harmful information, such as violence and pornography, through access to the Internet.

253. **In the light of article 17 of the Convention, the Committee recommends that the State party take all necessary legal and other measures, including advisory campaigns directed to parents, guardians and teachers and cooperate with Internet service providers in order to protect children from being exposed to harmful material such as violence and pornography through the Internet.**

### **Corporal punishment**

254. While noting the State party's steps to prohibit the use of corporal punishment in educational settings, and in particular through prohibitions outlined in the Teacher's Hand Book, corporal punishment is still widely practised in society and its acceptance as a form of discipline gives cause for serious concern. The Committee is concerned that the Children's Act allows for a degree of "reasonable" and "justifiable" punishment.

255. **The Committee recommends that the State party should, taking into account its general comment No. 1 on the aims of education (CRC/GC/2001/1) and its recommendations, adopted on the day of general discussion on violence against children within the family and in schools (see CRC/C/111):**

(a) **Explicitly prohibit all forms of corporal punishment in the family, schools, and other institutional settings and alternative care systems as a matter of priority;**

(b) **Sensitize and educate parents, guardians and professionals working with and for children by carrying out public educational campaigns with the involvement of children about the harmful impact of violent forms of "discipline" and by promoting positive, non-violent forms of discipline and respect of child rights.**

### **4. Family environment and alternative care**

**(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

### **Parental responsibilities**

256. While the Committee is encouraged that the State party recognizes the principle that both parents have common responsibilities for the upbringing and development of the child, it remains concerned about the situation of children from single-parent families and those from disadvantaged and marginalized groups.

257. **The Committee recommends that the State party take necessary measures to support and strengthen the capacity of parents, particularly those in difficult circumstances, to perform their responsibilities in the upbringing of their children through family support programmes, and facilitate the work of NGOs in this regard.**

### **Alternative care**

258. The Committee welcomes the National Policy Guidelines on Orphans and Other Children made Vulnerable by HIV/AIDS but remains concerned that these Guidelines are not effectively



implemented. It is further concerned by the more than 200,000 children orphaned by HIV/AIDS in the State party. The Committee is also alarmed at the information about the increasing number of orphanages.

259. **The Committee recommends that the State party:**

(a) **Undertake the necessary measures to fully implement the Guidelines on the care and protection of orphaned and vulnerable children as a matter of priority, inter alia, by strengthening the capacity of the Department of Social Welfare;**

(b) **Provide active support for a significant increase of the availability of family type of alternative care such as the extended family or foster care in order to make institutional care a matter of last resort;**

(c) **Ensure that all existing and newly established children's homes and orphanages meet standards of quality and are regularly reviewed;**

(d) **Ensure that the stay in institutions is for the shortest time possible; and**

(e) **Seek technical assistance and technical cooperation from, inter alia, UNICEF.**

#### **Adoption**

260. The Committee, while noting that the Children's Act covers national adoption, remains concerned about the lack of adequate mechanisms for intercountry adoption.

261. **The Committee recommends that the State party ratify the 1993 Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Inter-Country Adoption.**

#### **Child abuse and neglect**

262. The Committee welcomes the establishment of the Domestic Violence and Victim Support Unit (DVVSU) which handles issues of children and women abuse and has branches in all 10 administrative regions. It also appreciates the introduction of psychosocial counselling for victims of child abuse. However, the Committee is concerned about cases of ill-treatment and abuse, including sexual abuse, and about the fact that there are no mandatory reporting requirements for professionals with regard to child abuse.

263. **The Committee recommends that the State party:**

(a) **Take the necessary measures to prevent child abuse and neglect;**

(b) **Expedite the adoption of the Domestic Violence Bill and introduce mandatory reporting requirements for professionals with regard to child abuse;**

(c) **Establish a toll-free nationwide telephone helpline for children resourced with well-trained professionals and volunteers;**

(d) Take measures for improving data collection, analyzing and sharing between agencies on child abuse, recovery and social integration;

(e) Investigate cases of domestic violence and sexual abuse through a child-sensitive judicial procedure, and ensure that sanctions be applied to perpetrators with due regard given to guaranteeing the right of privacy of the child;

(f) Raise awareness among the public of the problem of domestic violence, with the view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting it; and

(g) Carry out preventive public education campaigns about the negative consequences of neglect and abuse of children.

264. In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for West and Central Africa held in Mali from 23 to 25 May 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to gain momentum for concrete and, where appropriate, time bound actions to prevent and respond to such violence and abuse.

#### **5. Basic health and welfare**

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

##### **Children with disabilities**

265. While welcoming the establishment of the Community Based Rehabilitation Programme, the Committee remains concerned about the lack of statistics regarding children with disabilities, the limited capacities for early detection and treatment of children with disabilities, the inaccessibility of buildings and transportation and the absence of a policy aimed at inclusion and integration.

266. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee further encourages the inclusion of children with disabilities into the regular educational system and their integration into society, inter alia, by giving more attention to special training for teachers, educating parents and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities. The Committee recommends that the State party improve and strengthen early detection and treatment services through the health and education sectors.

## **Health and health services**

267. The Committee is concerned about the high infant and under-five mortality rates, mostly from preventable causes such as inadequate drinking water and sanitation. While taking note of the “Roll back malaria” programme, the Committee is still concerned about the high incidence of malaria as well as the high number of malnourished, severely stunted and underweight children. It is also concerned about regional disparities in the provision of health services, and sanitation facilities.

268. **The Committee recommends that the State party:**

(a) **Undertake all necessary measures to reduce mortality rates by improving prenatal care and preventing communicable diseases;**

(b) **Allocate more financial resources to child health, nutrition and access to safe drinking water and sanitation facilities;**

(c) **Continue to combat malaria and address environmental causes and strengthen availability of nets and insecticides, especially in areas where malaria is most prevalent and ensure that all children, regardless of economic status, have access to impregnated nets;**

(d) **Enforce the Salt Iodation’s Law (Act 523); and**

(e) **Continue to encourage exclusive breastfeeding for six months with appropriate introduction of an infant diet thereafter.**

## **Adolescent health**

269. The Committee, while welcoming “adolescent health friendly services”, is still concerned about the high incidence of teenage pregnancies, the inadequate reproductive health services and at the lack of mental health services for adolescents.

270. **The Committee recommends that the State party, taking into account the general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4) of 2003, improve and strengthen its health-care services for adolescents focusing on reproductive and mental health programmes as well as adolescent-sensitive mental health counselling services and make them known and accessible to adolescents. The Committee also recommends that the State party expedite the enactment of the Mental Health Bill.**

## **HIV/AIDS**

271. While welcoming the establishment of the National AIDS Commission in 2000 and the development of the National Strategic Framework in 2001, the Committee remains concerned about the high prevalence rate of HIV/AIDS, especially among women in their childbearing years, compounded in part by inappropriate traditional practices, stigmatization and lack of

knowledge about prevention methods. It is further concerned about the fact that only a limited number of HIV/AIDS infected children and mothers have access to antiretroviral medication as well as about limited testing.

**272. The Committee urges the State party to strengthen its efforts in combating the spread and effects of HIV/AIDS by, inter alia, training professionals, conducting education campaigns on prevention, improving the prevention of mother-to-child transmission programmes, providing free and universal antiretroviral medication and improving protection and support for AIDS orphans. It further recommends that the State party seek technical assistance, inter alia, from UNAIDS and bilateral aid agencies. The Committee refers the State party to its general comment No. 3 on HIV/AIDS and the rights of children (CRC/GC/2003/3) in this regard.**

### **Harmful traditional practices**

273. The Committee notes with appreciation the efforts undertaken by the State party to address the practice of female genital mutilation (FGM), including a bill to amend the Criminal Code that strengthens the provision against female circumcision. However, it remains concerned that FGM is still practised in the State party. Concern is also expressed about the persistence of early marriages and other harmful traditional practices such as Trokosi.

**274. The Committee recommends that the State party strengthen its legislative measures and conduct awareness-raising campaigns to combat FGM and eradicate this and other traditional practices harmful to the health, survival and development of children, especially girls. The Committee recommends that the State party introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and prohibit harmful practices, engaging with the extended family as well as with traditional and religious leaders. It further recommends that the State party empower the young girls through quality education which enhances life skills.**

### **Standard of living**

275. The Committee is concerned that the right to an adequate standard of living as enshrined in article 27 of the Convention is not fully implemented for many children due to widespread poverty and severe regional disparities.

**276. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance, with particular focus on the most marginalized and disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing, inter alia, its Ghana Poverty Reduction Strategy.**

## **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

277. The Committee acknowledges the remarkable improvement made in the field of education in attempting to pursue the policy of the free compulsory and universal education

system by introducing, inter alia the Capitation Grant. The Committee also notes the introduction of school feeding programmes in three regions of northern Ghana. However, the Committee is concerned about the persisting gender and geographical disparities with regard to access to and quality of education.

278. **The Committee recommends that the State party:**

- (a) **Increase and efficiently use public expenditure in education;**
- (b) **Improve access to vocational training and informal education for vulnerable groups, including street children, orphans, children with disabilities and child workers;**
- (c) **Increase enrolment in primary and secondary education and reduce social-economic, regional and gender disparities in the access and full enjoyment of the right to education; and**
- (d) **Extend the school feeding programme to other regions.**

**7. Special protection measures**  
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

**Refugee, asylum-seeking and unaccompanied children**

279. The Committee takes note with appreciation of the general practice of the State party in hosting refugees and asylum-seekers.

280. **The Committee recommends that the State party increase its efforts to meet the specific protection needs of refugee children in the refugee settlements, in particular to provide protection against sexual and gender-based violence by strengthening the administration of justice in the camps and taking supportive measures such as deployment of female police officers and facilitating related activities by NGOs. It further recommends that the State party strengthen its protection of unaccompanied and separated refugee children. In this regard, the Committee recommends that the State party refer to its general comment No. 6 (2005), Treatment of Unaccompanied and Separated Treatment of Unaccompanied and Separated Children Outside Their Country of Origin.**

**Street children**

281. The Committee welcomes the steps undertaken by the State party, including the Street Children Project of the Ministry of Manpower, Youth and Employment (MMYE). However, the Committee is deeply concerned about the increasing number of street children and begging children in the State party.

282. **The Committee recommends that the State party:**

- (a) **Undertake an in-depth study and a systematic assessment of this phenomenon in order to get an accurate picture of its root causes and magnitude;**

**(b) Develop and implement with the active involvement of street children themselves and NGOs a comprehensive policy which, inter alia, should address the root causes, in order to prevent and reduce this phenomenon, and which should provide street children with the necessary protection, adequate health-care services, education and other social reintegration services;**

**(c) Support family reunification programmes, when it is in the best interests of the child; and**

**(d) Develop programmes to address the issue of child begging.**

#### **Economic exploitation, including child labour**

283. The Committee is deeply concerned about the high number of children engaged in economic activities and that a high percentage of this group are involved in work that is hazardous, dangerous and jeopardizes their health, education and development.

284. **The Committee urges the State party to strengthen the capacity of the institutions responsible for the control and protection of the rights of working children, including the Child Labour Unit and the Inspectorate Division Unit. It further recommends that the State party, with the support of the International Labour Organization (ILO), UNICEF, and national and international NGOs, develop a comprehensive programme to prevent and combat child labour, in full compliance with ILO Convention No. 182 which the State party has ratified. The Committee also encourages the State party to ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.**

#### **Sexual exploitation**

285. The Committee takes note of the fact that studies are under way to ascertain the scope and magnitude of commercial sexual exploitation of children. The Committee is concerned about the information that sexual exploitation, particularly sex tourism is growing in the country and that many girls and boys at a very young age are engaged in commercial sexual exploitation.

286. **The Committee recommends that the State party:**

**(a) Finalize its studies and undertake appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

**(b) Avoid stigmatizing child victims of sexual exploitation; and**

**(c) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

### **Trafficking of children**

287. The Committee welcomes the enactment of the Human Trafficking Act in 2005 and the information provided by the delegation that Ghana has entered into bilateral and multilateral agreements of cooperation with the neighbouring countries in the subregion to deal with cross-border trafficking. However, the Committee expresses its concern at the lack of data on the number of children trafficked.

288. **The Committee recommends that the State party:**

**(a) Effectively implement the Human Trafficking Act, including by allocating appropriate financial and human resources and by raising awareness campaigns;**

**(b) Provide adequate programmes of assistance, recovery and reintegration for trafficked children, who should be treated as victims and neither criminalized nor penalized; and**

**(c) Consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000.**

### **Drug abuse**

289. The Committee notes with concern that many children and teenagers are affected by alcohol and drug abuse.

290. **The Committee recommends that the State party take measures to prevent and end alcohol and drug abuse among children and to support recovery and social reintegration programmes for child victims of drug and alcohol abuse. The Committee further recommends that the State party seek technical cooperation from, inter alia, the World Health Organization (WHO) and UNICEF.**

### **Juvenile justice**

291. While recognizing the efforts made in this domain, including the adoption of the Juvenile Justice Act of 2003 and the increase of the minimum age of criminal responsibility from 7 to 12 years, the Committee remains concerned about the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned about the limited number of remand homes and the poor conditions of such institutions. It is further concerned about information that some persons below the age of 18 years were detained in adult prisons.

292. **The Committee urges the State party to ensure the full implementation of juvenile justice standards, in particular article 37 (b), articles 40 and 39 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in light of the Committee's day of general discussion on the administration of juvenile justice. In particular, the State party should:**

(a) **Ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**

(b) **In cases where deprivation of liberty is unavoidable and used as a last resort improve conditions of detention and ensure that persons below 18 years are detained in separate facilities from those of adults;**

(c) **Ensure that persons below 18 years have access to appropriate legal aid and defence and an independent, child-sensitive and effective complaint mechanism;**

(d) **Provide training on relevant international standards to those responsible for administering the juvenile justice system;**

(e) **Ensure both sentenced and released persons below 18 years are provided with educational opportunities, including vocational and life-skills training, recovery and social reintegration services; and**

(f) **Seek technical cooperation and assistance from, inter alia, OHCHR, the United Nations Office on Drugs and Crime Prevention and UNICEF.**

#### **8. Optional Protocols to the Convention on the Rights of the Child**

293. The Committee is concerned that the State party has not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

294. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

#### **9. Follow-up and dissemination**

##### **Follow-up**

295. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

##### **Dissemination**

296. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.



## **10. Next report**

297. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 1 September 2012. This report should combine the third, fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third, fourth and fifth report 18 months before its due date, that is by 1 March 2011. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

### **Concluding observations: Liechtenstein**

298. The Committee considered the second periodic report of Liechtenstein (CRC/C/136/Add.2), at its 1092nd and 1094th meetings (see CRC/C/SR.1092 and 1094), held on 13 January 2006 and adopted at the 1120th meeting held on 27 January 2006 the following concluding observations:

#### **A. Introduction**

299. The Committee welcomes the submission of the second periodic report prepared in a participatory way. The Committee welcomes the written replies to its list of issues (CRC/C/LIE/Q/2), which gave a clearer understanding of the situation of children in the State party. It further welcomes the frank and constructive dialogue held with the members of the inter-ministerial delegation.

#### **B. Follow-up measures undertaken and progress achieved by the State party**

300. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (in 2001) and of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in 2005). It further welcomes the declaration made under article 14 of the Convention on the Elimination of Racial Discrimination allowing for individual complaints.

#### **C. Main areas of concern and recommendations**

##### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

##### **Reservations**

301. The Committee welcomes the withdrawal by the State party of its reservation to article 10 (2) and its willingness to consider withdrawing remaining reservations. However, the Committee regrets that despite indications in 2001 of the intention to withdraw its reservation to article 7 of the Convention, the State party still has not done so. The Committee further regrets that despite its previous recommendations (CRC/C/15/Add.143, paras. 6 to 9) the reservation to article 10 (1) has not been withdrawn either.

302. **The Committee reiterates its recommendation that the State party take the necessary legal and other measures to establish a practice in the area of family reunification and access to citizenship in accordance with the principles and provisions of the Convention. It further recommends that the State party consider withdrawing its reservations to articles 7 and 10 (1) of the Convention in the near future.**

#### **The Committee's previous recommendations**

303. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.143 of 21 January 2001) it made upon consideration of the State party's initial report (CRC/C/61/Add.1) have been insufficiently addressed, especially those regarding withdrawal of reservations (paras. 6-9) and data collection (para. 15).

304. **The Committee urges the State party to make every effort to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

#### **Legislation**

305. The Committee welcomes the revision of the Youth Act with a view to incorporating diversion measures in criminal law better and to liberalize the curfew. However, the Committee remains concerned that the Youth Act has not yet been adopted.

306. **The Committee recommends that the State party adopt and implement the revised Youth Act.**

#### **Independent monitoring**

307. The Committee notes that the establishment of an ombudsman for children is under consideration. However, the Committee is concerned that there is still no mechanism that can independently monitor the implementation of the Convention and address violations of the rights of the child.

308. **The Committee reiterates its recommendation to establish an independent, child-friendly monitoring mechanism such as an ombudsman for children in accordance with the Paris Principles (A/RES/48/134), and draws attention to its general comment No. 2 on National Human Rights Institutions.**

#### **Data collection**

309. The Committee reiterates its concern about the lack of adequate data-collection mechanisms within the State party to ensure the collection of disaggregated data on all aspects of the Convention and to monitor and evaluate progress achieved effectively as well as to assess the impact of policies adopted with respect to children.

310. **The Committee recommends that a comprehensive system of data collection be introduced in Liechtenstein incorporating all areas of the Convention, if necessary by strengthening cooperation in this respect with Switzerland and Austria.**

### **Government monitoring**

311. The Committee is concerned that, due to the size of the State party, a number of children with special needs, for example with respect to education, health, alternative care and juvenile justice, are sent abroad and fall out of the jurisdiction and protection of the State party.

312. **The Committee underlines the fact that the children sent to institutions and who receive special care abroad remain under the responsibility of the State party and recommends that the State party take all necessary measures to ensure appropriate monitoring and protection of the rights of these children.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Discrimination**

313. The Committee welcomes the adoption in 2003 of the five-year National Action Plan on the follow-up to the Durban Programme of Action and welcomes the inclusion in school curriculum of activities on the prevention of exclusion, intolerance and racism. It also welcomes the appointment of the working group dealing with questions of social discrimination.

314. **The Committee requests that specific information be included, in the next periodic report, on the results of measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party as part of the National Action Plan on the follow-up on the Durban Declaration and Programme of Action.**

## **3. Family environment and alternative care (arts. 5; 9-11; 18, paras. 1-2; 19-21; 25; 27, para. 4; and art. 39 of the Convention)**

### **Parental responsibilities**

315. The Committee is concerned that the father of a child born out of wedlock has no standing to claim custody and that custody is automatically given to the mother.

316. **The Committee recommends that the State party amend its legislation to provide fathers the opportunity to request custody of their children born out of wedlock, where possible as a joint custody with the mother.**

### **Violence, abuse and neglect**

317. In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the submission by the State party of responses to the questionnaire and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. However, the Committee remains concerned about the increase of cases of violence due to extreme rights groups, including in schools.

318. **The Committee recommends that the State party use the outcome of the regional consultation as a tool to strengthen action, in partnership with civil society, to ensure the protection of every child from all forms of physical, sexual or mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse, in particular in schools.**

### **Corporal punishment**

319. The Committee is concerned that all forms of corporal punishment are not specifically prohibited by law in all settings where it may occur.

320. **The Committee urges the State party to prohibit expressly by law all forms of corporal punishment, in particular in the family and in private alternative care settings. The State party is further encouraged to undertake awareness-raising campaigns and education programmes aimed at parents, professionals and children concerning non-violent forms of discipline and participatory forms of child-rearing and education, and to study the prevalence of corporal punishment of children in the family.**

### **4. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; and art. 27, paras. 1-3 of the Convention)**

### **Adolescent health**

321. The Committee welcomes the measures taken to strengthen prevention of drug, alcohol and tobacco abuse by children and adolescents. However, the Committee remains concerned at the high number of adolescents who consume alcohol and drugs and about the little attention given to early pregnancies.

322. **The Committee recommends that the State party, taking into account its general comment No. 4 of 2003 on Adolescent Health and Development (CRC/GC/2003/4):**

- (a) Strengthen efforts to provide children and parents with accurate and objective information about the harmful consequences of substance abuse;**
- (b) Ensure that children using drugs and narcotics are treated as victims and are provided with the necessary recovery and reintegration services;**
- (c) Strengthen measures to prevent drug abuse problems among children and adolescents; and**
- (d) Strengthen measures to provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives.**

### **HIV/AIDS**

323. The Committee is concerned that the State party does not possess reliable data about the number of children and adolescents infected or affected by HIV/AIDS and therefore cannot provide support for these children and their families.

324. **The Committee recommends that the State party collect accurate and up-to-date information on the number of children and adolescents affected or infected by HIV/AIDS and that it provide appropriate support for these children and their families.**

**5. Special protection measures**  
**(arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)**

**Migrant children**

325. The Committee, while welcoming measures taken for the integration of migrant children, remains concerned about the difficult integration of certain migrant children.

326. **The Committee recommends that the State party strengthen measures and programmes for the integration of migrant children, inter alia, by supporting particularly the NGOs working in this field.**

**Sexual exploitation**

327. The Committee welcomes the criminalization of child pornography and abuse abroad as well as the tighter criminal law with respect to sexual offences against children. However, the Committee is concerned that the number of unreported cases may be large, as pointed out by the expert group dealing with sexual abuse of children in the State party (see CRC/C/136/Add.2, para. 319).

328. **The Committee recommends that the State party take measures:**

(a) **To raise awareness about the phenomenon and increase the resources available to support victims; and**

(b) **To establish a mechanism that promotes and facilitates reporting of cases of sexual abuse of children.**

**Juvenile justice**

329. The Committee welcomes the introduction of a programme aiming at avoiding the penal procedure for a number of minor offences and establishing an educational intervention as an alternative measure. The Committee notes the positive evaluation of this method.

330. **The Committee encourages the State party to go further with the programme, promoting the use of extrajudiciary means as often as possible, as provided for in article 40 (3) (b) of the Convention and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) on article 11 (2).**

331. The Committee is further concerned about the lack of legislation setting a clear limit for pretrial detention of persons under 18.

332. **The Committee recommends that the State party set by law a clear maximum length for pretrial detention of persons under 18. This should be less than that allowed for adults bearing in mind that detention should be used only as a last resort, for the shortest appropriate time and in appropriate conditions.**

## **6. Optional Protocols to the Convention on the Rights of the Child**

333. **The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child the involvement of children in armed conflict and regrets that it is not party to the Optional Protocol on the sale of children, child prostitution and child pornography.**

334. **The Committee recommends that the State party submit its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2007. It further invites the State party to ratify the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography as soon as possible.**

## **7. Follow-up and dissemination**

### **Follow-up**

335. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.**

### **Dissemination**

336. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **8. Next report**

337. **As an exceptional measure, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by the due date of the fourth periodic report, i.e. 20 January 2013. This consolidated report should not exceed 120 pages (see CRC/C/118). However, owing to the large number of reports received by the Committee every year and the consequently significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit the consolidated third and fourth report 18 months before its due date, that is, by 20 July 2011.**

### **Concluding observations: Andorra**

338. The Committee considered the initial report of Andorra (CRC/C/OPAC/AND/1) at its 1095th meeting (see CRC/C/SR.1095), held on 16 January 2006, and adopted at the 1120th meeting, held on 27 January 2006 the following concluding observations.

#### **A. Introduction**

339. The Committee welcomes the submission of the State party's comprehensive report, which gives information on the implementation of the Optional Protocol. The Committee appreciates the frank and constructive dialogue held with the high-level delegation.

340. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 2 February 2002 contained in CRC/C/15/Add.176.

#### **B. Positive aspects**

341. The Committee notes with appreciation the State party's international and bilateral technical cooperation activities aimed at preventing the involvement of children in armed conflicts.

342. The Committee notes with appreciation the financial support provided by the State party to United Nations programmes and funds, including the programme of the Special Representative of the United Nations Secretary-General on Children and Armed Conflicts. It also commends that resources have been allocated by the State party to non-governmental organizations directly or indirectly concerned with the involvement of children in armed conflicts and their rehabilitation.

#### **C. Principal areas of concern and recommendations**

##### **Recruitment**

343. The Committee notes that the State party does not have armed forces and that consequently there is no legal regulation of voluntary or compulsory recruitment. The absence of armed forces does not however exclude the possibility of individuals or groups undertaking efforts to recruit children for foreign armed forces or groups and the Committee is concerned that the recruitment of children is not explicitly mentioned as crime in the State party's criminal code.

344. **The Committee recommends that the State party take the necessary legislative measures to criminalize recruitment of children and for the inclusion of this crime in article 8, paragraph 8 of its criminal code, which establishes extraterritorial jurisdiction.**

### **Assistance for physical and psychological recovery**

345. The Committee requests that the State party provide information in its next report on refugee and migrant children within its jurisdiction who may have been involved in hostilities in their home country as well as on the assistance provided for their physical and psychological recovery and their social reintegration.

### **Technical cooperation and financial assistance**

346. **The Committee, acknowledging the considerable efforts of the State party in this regard, recommends that the State party increase its activities and support for the implementation of the Optional Protocol in other State parties and to provide information on the results achieved in its next report.**

### **Dissemination of documentation**

347. **In light of article 2, paragraph 2 of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and consider publishing the report along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring within the Government, the General Council (Parliament) and the general public, including concerned non-governmental organizations.**

### **Next report**

348. **In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

### **Concluding observations: Andorra**

349. The Committee considered the initial report of Andorra (CRC/C/OPSA/AND/1) at its 1095th meeting (see CRC/C/SR.1095), held on 16 January 2006, and adopted at its 1120th meeting, held on 27 January 2006, the following concluding observations.

#### **A. Introduction**

350. The Committee welcomes the submission of the State party's initial comprehensive report. The Committee appreciates the frank and open dialogue held with the high-level delegation.

351. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 2 February 2002 contained in CRC/C/15/Add.176.



## **B. Positive aspects**

352. The Committee welcomes the various measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, especially through the amendment of the Criminal Code punishing, inter alia, trafficking in body organs, sexual abuses against children, child pornography and child prostitution. It also welcomes the Social welfare programme for children at risk with its Protocol on childhood in danger of 10 June 2004.

## **C. Principal areas of concern and recommendations**

### **C.1. General measures of implementation**

#### **Coordination and evaluation of the implementation of the Protocol**

353. The Committee takes note of the information provided on the various ministries and State bodies involved in implementing the Optional Protocol but is concerned that there is no identifiable body to ensure a comprehensive and well coordinated implementation of the various ministerial activities to protect the rights covered by the Optional Protocol. The Committee also regrets the lack of mechanisms for the periodic evaluation of the implementation of the Protocol.

**354. The Committee encourages the State party to strengthen coordination in the areas covered by the Optional Protocol and to establish mechanisms for the periodic evaluation of the implementation of the Protocol.**

#### **National Plan of Action**

355. While noting with appreciation the efforts undertaken by the State Party to implement the Optional Protocol, the Committee is concerned at the absence of a Plan of Action for combating and preventing the sale of children, child prostitution and child pornography.

**356. The Committee recommends that the State party elaborate and implement a Plan of Action based on the Stockholm and Yokohama Agenda for Action and the provisions of the Optional Protocol.**

#### **Dissemination and training**

357. While noting initial efforts to disseminate the Convention and its Optional Protocols among non-governmental organizations and the media, the Committee considers that education for children and the public at large and training activities for professional groups on children's rights need ongoing attention.

**358. The Committee recommends that the State party continue and strengthen its efforts to raise awareness among its population, with particular attention to children and parents, about the provisions of the Optional Protocol through among others things, its inclusion in the school curricula. The Committee also recommends that the State party develop ongoing and systematic education and training on the provisions of the Optional Protocol for all relevant professional groups.**

**Data collection**

359. The Committee notes the absence of reported cases falling within the provisions of the Optional Protocol and recommends that the State party undertake a study to assess the nature and extent of activities falling under the Optional Protocol and include efforts to identify unreported cases.

**C.2. Prohibition of the sale of children, child pornography and child prostitution****Existing criminal or penal laws and regulations**

360. While noting with appreciation the efforts of the State party to criminalize trafficking and sale of children in the new Criminal Code, the Committee is still concerned that it does not include all purposes and forms of sale of children included in article 3, paragraph 1, of the Optional Protocol. The Committee is concerned that article 121 of the Criminal Code of 2005 does not sufficiently cover the offering of a child for the purpose of transfer of organs of the child for profit as defined in article 3, paragraph (i, b) and that legal persons cannot be held liable for crimes under the Optional Protocol.

**361. The Committee recommends that the State party continue its efforts to amend the Criminal Code in order to prohibit the trafficking and sale of children for all purposes listed in article 3, paragraph 1, of the Optional Protocol and to extend the criminal liability to legal persons.**

**C.3. Penal/criminal procedure****Extraterritorial jurisdiction**

362. The Committee is concerned that the requirement of double criminality, both for extradition and for domestic prosecution of crimes allegedly committed abroad, limits the possibility of the prosecution of offences outlined in articles 1, 2 and 3 of the Optional Protocol and therefore limits the protection of children against these crimes.

**363. The Committee recommends that the State party amend its legislation in order to abolish the requirement of double criminality for extradition and/or prosecution of offences committed abroad.**

364. The Committee notes with appreciation that the State party assumes extraterritorial jurisdiction as defined in article 8, paragraph 8, of the Criminal Code, which includes sexual offences against minors, under the condition of the possibility of a sanction of imprisonment of six years and more. The Committee is concerned at the fact that some of the sexual crimes do not carry a maximum penalty of more than six years. It is further concerned that the extraterritorial jurisdiction does not under all circumstances cover offences committed outside of the territory by permanent residents of the State party.

365. **The Committee further recommends that the State party review the existing provisions in the Criminal Code with a view to increasing the maximum penalties possible and to strengthening its extraterritorial jurisdiction and thereby the international protection of children against prostitution and pornography.**

#### **C.4. Protection of the rights of child victims**

##### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

###### **(a) In the context of the legal procedure**

366. The Committee notes the information on the Protocol of 10 June 2001 on children at risk which, inter alia, contains recommendations for the protection of children victims of sexual abuse (including child prostitution and pornography) who are involved in criminal procedures as witnesses. It welcomes the fact that these recommendations are supported by the judiciary and other relevant professional groups. The Committee, however, regrets that the criminal procedure law does not contain specific provisions to protect the child victim of sexual abuse or exploitation involved in criminal procedures as a victim.

367. **The Committee recommends that the State party amend the criminal procedure law with a view to including the necessary provisions for the child victim who is, as witness involved in criminal procedures in accordance with article 8 of the Optional Protocol. It further recommends that the State party be guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC resolution 2005/20).**

###### **(b) Terms of compensation, assistance, reintegration and recovery**

368. The Committee is concerned at the limited information provided about services or assistance programmes designed for child victims of trafficking and sexual exploitation.

369. **The Committee recommends that the State party provide, in its next report, specific information on the services provided to child victims of trafficking and sexual exploitation to assist their recovery.**

#### **C.5. Follow-up and dissemination**

##### **Follow-up**

370. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Executive Council, the General Council, and local governments for appropriate consideration and further action.**

## **Dissemination**

371. **The Committee recommends that the initial periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

### **C.6. Next report**

372. **In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child in accordance with article 44 of the Convention.**

### **Concluding observations: Trinidad and Tobago**

373. The Committee considered the second periodic report of Trinidad and Tobago (CRC/C/83/Add.12) at its 1096th and 1097th meetings (see CRC/C/SR.1096 and 1097) held on 16 January 2006 and adopted at the 1120th meeting held on 27 January 2006 the following concluding observations.

#### **A. Introduction**

374. The Committee welcomes the submission of the State party's informative and comprehensive report and the written replies to its list of issues (CRC/C/TTO/Q/2), which gave a clearer understanding of the situation of children in the State party. The Committee further notes with appreciation the open dialogue it had with the high-level delegation.

#### **B. Positive aspects**

375. The Committee notes the enactment of the following laws aimed at enhancing the implementation of the Convention:

- (a) Children's Authority Act (No. 64 of 2000), establishing a body responsible for receiving complaints from children in alternative care;
- (b) Children's Community Residences, Foster Homes and Nurseries Act (No. 65 of 2000), aimed to ensure compliance of all children's homes with existing rules and standards;
- (c) Miscellaneous Provisions (Children) Act (No. 66 of 2000), bringing in line laws affecting children;
- (d) Children (Amendment) Act (No. 68 of 2000), defining a child as under 18 years of age;
- (e) Adoption of Children Act (No. 67 of 2000), aimed to regulate adoption procedures.

376. The Committee also notes with appreciation the establishment, in 1999, of the Human Rights Unit within the Ministry of Attorney-General.

377. The Committee notes with interest the establishment in 2004 of the Pilot Family Court and its possible extension to other regions.

378. The Committee welcomes the ratification, in 2000, of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

379. The Committee welcomes the ratification of the International Labour Organization (ILO) Conventions No. 138 concerning Minimum Age for Admission to Employment in 2004, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in 2003.

### **C. Principal areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

##### **Previous recommendations**

380. The Committee regrets that some of the recommendations in its concluding observations (CRC/C/15/Add.82) adopted following consideration of the State party's initial report (CRC/C/11/Add.10) have been given insufficient follow-up, particularly those relating to coordination; data collection; resource allocation for children; abuse, ill-treatment and domestic violence; corporal punishment; alternative care; reproductive health; education; street children; child labour; and administration of juvenile justice. Those recommendations are reiterated in the present document.

**381. The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to implement the concerns contained in the present concluding observations.**

##### **Legislation**

382. While welcoming the set of legislation enacted in 2000 to harmonize the domestic laws with the Convention, the Committee is deeply concerned that these laws have not entered into force, except for the Miscellaneous Provisions (Children) Act (No. 66 of 2000).

**383. The Committee recommends that the State party take all appropriate measures to have these laws promulgated and to facilitate their speedy entry into force.**

##### **National Plan of Action**

384. The Committee welcomes the establishment of the Inter-Ministerial Committee to coordinate efforts for the implementation of the National Plan of Action for Children and the

State party's efforts to revise the NPA to bring it in line with the goals set by the United Nations General Assembly Special Session for Children. The Committee is however concerned that the adoption of the revised NPA by the Cabinet has been delayed to February 2006.

**385. The Committee recommends that the State party urgently adopt the revised National Plan of Action for the full implementation of the Convention, covering all areas of the Convention and incorporating the objectives and goals of the outcome document entitled: "A World Fit for Children" of the United Nations General Assembly Special Session for Children and allocate sufficient human and financial resources for its implementation. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and involve civil society in the preparation and implementation of such national plan of action.**

### **Coordination**

386. The Committee notes that numerous ministries and bodies play a role in matters relating to the implementation of the Convention. The Committee remains concerned about the lack of clear and well-structured coordination among these bodies.

**387. The Committee recommends that the State party establish a clear and well-structured coordination among all relevant bodies.**

### **Independent monitoring**

388. While noting the existence of the Ombudsman in the State party, the Committee is nevertheless concerned at the absence of an independent mechanism with a specific mandate to regularly monitor and evaluate progress in the implementation of the Convention on the Rights of the Child, either within the Ombudsman's Office or as a separate institution, and which is empowered to receive and address individual complaints on behalf of, or from, children.

**389. The Committee encourages the State party to establish, taking into account its general comment No. 2 of 2002 (CRC/GC/2002/2) on national human rights institutions and with the Paris Principles (General Assembly resolution 48/134), an independent and effective mechanism, either within the existing Ombudsman Office or as a separate entity, that monitors the implementation of the Convention, deals with complaints from children or their representatives in a child-sensitive and expeditious manner. Such a body should be provided with adequate human and financial resources and made easily accessible to children. The Committee also recommends that the State party consider seeking technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR) in this regard.**

### **Resources for children**

390. The Committee, while noting the positive economic development of the State party, is concerned at the lack of sufficient budget allocation for children and the implementation of their rights, in particular about the fact that allocation of resources does not appropriately address regional disparities.

391. **The Committee recommends that the State party:**

(a) **Prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources;**

(b) **Take into account the decentralization process and address the regional disparities, when allocating resources; and**

(c) **When designing and implementing international cooperation projects, use the rights-based approach.**

#### **Data collection**

392. The Committee is concerned at the absence of comprehensive and up-to-date statistical data in the State party's report and the lack of an adequate national data collection system on all areas covered by the Convention. Such data is crucial for the formulation, monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.

393. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age and in different parishes and dependencies. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in poverty, children with disabilities, children from single-parent families, children victims of sexual abuse, sexual exploitation, economic exploitation and of trafficking, and street children. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.**

#### **Dissemination**

394. While taking note of the efforts made by the State party to involve non-governmental organizations (NGOs), young people and professionals in the preparation of the second periodic report and to disseminate information about the Convention, the Committee is concerned that these measures to raise awareness among the public, parents and children as well as professional groups working for and with children on the principles and provisions of the Convention are insufficient.

395. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that the provisions and the principles of the Convention are widely known and understood by adults and children alike;**

(b) **Undertake systematic education and training on the rights of the Convention for children and their parents, as well as all professional groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers;**

(c) **Include human rights education in the official curriculum, at all levels of education;**

(d) **Develop initiatives with journalists and the media to disseminate widely the principles of the Convention and to promote a respectful treatment of children by the media.**

### **Cooperation with civil society**

396. The Committee, while welcoming the consultation held by the Human Rights Unit of the Office of the Attorney-General in the preparation of the second periodic report, notes that the dialogue with the civil society on the implementation of the Convention is limited and not systematic and that the Government provides limited funding for NGOs.

397. **The Committee recommends that the State party involve systematically communities and civil society, including children, throughout all stages of the implementation of the Convention and consider providing more resources for NGOs.**

## **2. Definition of the child (art. 1 of the Convention)**

398. While noting that majority is attained at 18 years under the Age of Majority Act and the amended Children (Amendment) Act 68 of 2000, the Committee notes with concern that this Act has not been proclaimed yet and that the definition that remains valid defines a child as a person under the age of 14 years. In addition, the Committee is concerned that the domestic legal order of the State party contains a number of different minimum ages and definitions of the child according to purpose, sex and religion.

399. **The Committee recommends that the State party proclaim as a matter of priority the amendment to the Age of Majority Act of 2000, and make the necessary efforts to harmonize the various minimum ages and definitions of the child in its legal order to recognize that all persons below 18 are entitled to special protection measures and specific rights as enshrined in the Convention.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

400. While noting that discrimination is prohibited under the Constitution, the Committee is concerned that:

(a) The grounds mentioned in the Constitution are not in full compliance with article 2 of the Convention, and that no additional legislation exist that explicitly prohibits all forms of discrimination and in greater detail;

(b) Some groups of children, in particular children living in poverty and children affected by HIV/AIDS, may suffer from discriminatory attitudes and disparities in accessing basic services;



(c) Only battery and assault against male children is punished under the Children's Act (chap. 11:02, section 5 (1)) and that discrimination remains in sentencing of male and female offenders for sexual offences against children.

**401. The Committee recommends that the State party:**

(a) Increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination;

(b) Adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2 of the Convention;

(c) Amend the Children's Act and the Sexual Offences Act in order to ensure that girls and boys are equally protected under both Acts.

**402. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

#### **Best interests of the child**

403. While noting that the Family Court protects the best interests of the child, the Committee is concerned that principles laid down in article 3 of the Convention are not fully applied and systematically integrated into the policies and programmes of the State party.

**404. The Committee encourages the State party to pursue its efforts with the Family Court project and ensure that the principle of the best interests of the child is reflected and implemented in all administrative and judiciary decisions, policies and programmes relating to children.**

#### **Respect for the views of the child**

405. The Committee is concerned that the views of the child are not given sufficient consideration in all areas of children's lives and that the provisions of article 12 of the Convention are not fully integrated into the State party's legislation and administrative and judicial decisions or in policies and programmes relevant to children.

**406. The Committee recommends that the State party:**

(a) Amend legislation so that the principle of respect for the views of the child is recognized and respected, inter alia, within custody disputes and other legal matters affecting children;

**(b) Promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, in school and in communities, in accordance with article 12 of the Convention;**

**(c) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and society at large on children's rights to be heard and to have their views taken into account.**

**4. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

**Right to nationality**

407. While noting the efforts taken by the State party in registering children at birth, including the decision to waive the birth certificate fee and the introduction in 2000 of the Late Registration of Birth Programme, the Committee remains concerned that there are still a significant number of children whose births are not registered.

**408. In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are registered at birth including through review of the existing registration system, awareness-raising campaigns, and to consider facilitating procedures of birth registration through mobile units for remote areas.**

**Right to identity**

409. Given the significant number of female-headed households in the State party, the Committee is concerned that the establishment of legal paternity, especially in cases when the biological father does not want to legally recognize the child, may be time consuming and expensive, constituting an impediment to the right of the child to identity and/or to know both parents.

**410. In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.**

**Corporal punishment**

411. While welcoming the amendment to the Children Act (No. 46:01) prohibiting the use of corporal punishment as a penal sanction for persons aged under 18, the Committee remains concerned that corporal punishment is lawful in the home and in institutions, and is widely practised.

**412. The Committee recommends that the State party:**

**(a) Expressly prohibit by law corporal punishment in all settings and ensure the implementation of the law;**

**(b) Conduct awareness-raising campaigns to inform the public about the negative impact of corporal punishment on children and actively involve children and the media in the process; and**

**(c) Ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.**

**4. Family environment and alternative care  
(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4);  
and 39 of the Convention)**

**Parental responsibilities and recovery of maintenance for the child**

413. The Committee welcomes the fact that the new Children's Authority Act (No. 64 of 2000) and the reciprocal provisions made with other Commonwealth territories to extend the Maintenance Orders (Enforcement) Act ensures better provision of child maintenance by absent fathers. However, it remains concerned that the Children's Authority Act is not yet in force, that recovery of maintenance is not always effectively enforced, especially when one or both parents live abroad, and notes with regret that the State party has not ratified the 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations or the 1996 Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.

414. **The Committee recommends that the State party:**

**(a) Provide particular support to children in single-parent families, including through community structures, social security benefits and the creation of a National Fund for Child Support;**

**(b) Amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations towards their children;**

**(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, particularly their fathers; and**

**(d) Consider ratifying the 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations and the 1996 Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.**

**Children deprived of a family environment and alternative care**

415. The Committee welcomes the fact that the new Children's Authority Act will provide for the establishment of a body responsible for receiving complaints from children in alternative care and that the draft Children's Community Residences, Foster Homes and Nurseries Act, aims to ensure compliance of all children's homes with existing rules and standards. The Committee

notes with regret that the State party has not ratified the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption. The Committee is further concerned:

- (a) That the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act are not yet in force;
- (b) At the discrepancy in the levels of care provided and its reportedly alarming conditions;
- (c) At the absence of a comprehensive programme to regulate and monitor institutions providing alternative care for children in the State party;
- (d) That neglected, abused and abandoned children are placed in industrial schools together with children in conflict with the law;
- (e) That isolation is used in institutions as a disciplinary measure, solely based on the decision of the direction of the institution, without any regulation.

416. **The Committee recommends that the State party:**

- (a) **Adopt a comprehensive programme to coordinate the efforts and policies of different ministries and departments on foster care;**
- (b) **Ensure effective monitoring of all institutions providing alternative care for children;**
- (c) **Ensure that neglected, abused and abandoned children are duly protected and receive assistance for their physical and psychological recovery and their social reintegration;**
- (d) **Ensure that isolation as a disciplinary measure in institutions only be used as a last resort, that it be based on a formal decision, for a specific length of time and with the possibility of being reviewed by a higher authority;**
- (e) **Establish an independent mechanism to oversee disciplinary measures in institutions;**
- (f) **Consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

#### **Abuse and neglect**

417. While recognizing efforts taken by the State party, including the establishment of the Domestic Violence Unit within the Gender Affairs Division and of a 24-hour hotline, the Committee is seriously concerned:

- (a) About the very high incidence of domestic violence and neglect in the State party, including sexual violence and incest;

(b) That the institutions responsible for matters relating to violence against children, including the Domestic Violence Unit and the National Family Services, have not been allocated sufficient resources to effectively carry out their work;

(c) About the lack of adequate and effective complaint mechanisms for child victims of abuse and neglect.

418. The Committee acknowledges with appreciation the hosting by the State party of the Regional Consultation for the Caribbean held in the context of the Secretary-General's in-depth study on the question of violence against children on 10 and 11 March 2005.

419. **The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect, by, inter alia:**

(a) **Carrying out public education campaigns that raise awareness of consequences of ill-treatment of children, alternative measures of discipline for children and address sociocultural barriers that inhibit victims from seeking assistance;**

(b) **Introducing legislation making reporting obligations mandatory for suspected cases of abuse and neglect for all professionals working for and with children, and train them in the identification, reporting and management of ill-treatment cases;**

(c) **In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child sensitive manner and ensure proper prosecution of perpetrators of child abuse and neglect;**

(d) **Providing services for the physical and psychological recovery and social reintegration to victims of sexual and other forms of abuse, neglect, ill-treatment, violence or exploitation, and take appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs; and**

(e) **Seeking technical assistance from, inter alia, UNICEF and the World Health Organization (WHO).**

420. **The Committee further recommends that the State party use the outcome of the regional consultation for the Caribbean held in the context of the Secretary-General's in-depth study on the question of violence against children in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

## **5. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

### **Children with disabilities**

421. The Committee, while welcoming the establishment, in 1999, of the National Coordinating Committee on Disability is concerned about the high prevalence of mental and physical disabilities among children in the State party. The Committee also notes with concern

that service provision for children with disabilities in the State party are heavily reliant on non-governmental organizations. In particular, the Committee notes that there are no State-run residential institutions available for children with physical or mental disabilities and that there are no special education and assistance programmes currently available.

422. **The Committee recommends that the State party:**

(a) **Conduct a study on the causes of disabilities affecting children in the State party, with a view to improving their access to suitable health care, education services and employment opportunities;**

(b) **Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;**

(c) **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the inclusion of children with disabilities into the regular educational system and their integration into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;**

(d) **Seek technical cooperation for the training of professional staff working with and for children with disabilities, including teachers, from, among others, UNICEF and WHO.**

#### **Health and health services**

423. While noting that the Health Sector Reform Programme is under way, the Committee is concerned about the:

(a) Lack of sufficient resources allocated to the health service sector;

(b) Lack of appropriate data on health issues, including on vaccination coverage, the level of malnutrition and the state of breastfeeding;

(c) Disproportionately high number of infants born underweight;

(d) Targets set by the State party to reduce maternal, infant and under-five mortality rates have not been met, despite the increase of resources;

(e) Poor sanitation, given that many of the sewage treatment plants are non-operational;

(f) High maternal and infant mortality rates.

424. **The Committee recommends that the State party:**

(a) **Increase and strengthen measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate resources, including basic medicines for all children, as well as the provision of adequate sanitation in all parts of the State party;**

(b) **Strengthen efforts to ensure adequate provision of prenatal and post-natal care, including awareness-raising efforts, among others on breastfeeding; and**

(c) **Strengthen the data collection system, inter alia, with regard to important health indicators, ensuring timeliness and reliability of both quantitative and qualitative data and using it for the formulation of coordinated policies and programmes for the effective implementation of the Convention.**

#### **Adolescent health**

425. **The Committee is concerned about:**

(a) **The low level of awareness among adolescents on reproductive health issues, inter alia, due to the fact that reproductive health education is not part of the official curriculum;**

(b) **The high incidence of teenage pregnancy and of sexually transmitted diseases;**

(c) **The high number of unsafe and clandestine abortions undergone by teenage girls, seriously threatening their lives;**

(d) **The lack of data and the insufficient attention given by the State party to adolescent health issues, including developmental, mental and reproductive health concerns.**

426. **The Committee recommends that the State party, taking into account general comment No. 4 of 2003 on Adolescent health and development (CRC/GC/2003/4):**

(a) **Formulate adolescent health policies and programmes, with the participation of adolescents, with a particular focus on the prevention of sexually transmitted diseases, especially through reproductive health education and child-sensitive counselling services;**

(b) **Strengthen developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents;**

(c) **Take measures to incorporate sexual and reproductive health education in the school curriculum, particularly at the secondary level, to inform adolescents fully of reproductive health rights, including prevention of sexually transmitted diseases including HIV/AIDS and early pregnancies;**

**(d) Consider means of providing particular support to pregnant teenagers, including through community structures and social security benefits; and**

**(e) Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia, the United Nations Population Fund (UNFPA), UNICEF and WHO.**

## **HIV/AIDS**

427. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS, including the adoption of the National AIDS Programme and the Reduction of Mother-to-Child Transmission Programme and the provision of free antiretroviral treatment. The Committee, however, remains concerned about the high incidence of the infection, in particular the mother-to-child transmission and its wide prevalence in the State party. The Committee is deeply concerned at the serious impact on the enjoyment of cultural, economic, social and civil rights and freedoms and at the stigmatization of children infected with or affected by HIV/AIDS.

**428. The Committee recommends that the State party, taking into account its general comment No. 3 of 2003 on HIV/AIDS and the rights of the children (CRC/GC/2003/3):**

**(a) Further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies for children infected with and affected by HIV/AIDS, as well as their families;**

**(b) Involve children when implementing these strategies;**

**(c) Continue and strengthen its collaboration with relevant United Nations agencies.**

## **Standard of living and social security**

429. In view of the significant number of children living in poverty, the Committee notes with concern that the social security system in the State party is not in full compliance with article 26 of the Convention. In particular, the Committee is concerned that female-headed households and new applicants may be excluded, due to restrictive eligibility requirements.

**430. The Committee recommends that the State party revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, paying particular attention to marginalized groups including female-headed households.**



**6. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

**Education**

431. While welcoming the introduction of free education at primary and secondary levels, the Committee is concerned about:

- (a) Inadequate educational infrastructure, including overcrowding, material shortages in schools and reports of classroom violence;
- (b) The hidden costs of education, which constitute a significant burden for the poor;
- (c) That fact that approximately one third of the school-aged population do not attend secondary school;
- (d) The unsatisfactory length of compulsory schooling;
- (e) The significant number of pregnant teenagers who do not continue their education;
- (f) The lack of human rights education, including on the rights of the child, in the school curriculum.

432. **The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:**

- (a) Take further measures to facilitate the accessibility to education of children from all groups in society by, inter alia, improve materials provisions in schools, and eliminate additional costs of schooling;**
- (b) Take measures to increase school attendance and reduce the dropout and repetition rates, including by involving children and adolescents in these programmes;**
- (c) Address the educational needs of pregnant students and teenage mothers in schools and ensure that they have access to education;**
- (d) Extend compulsory schooling to an internationally acceptable length of time;**
- (e) In the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), include human rights education, including the rights of children, in the school curriculum at all levels of education; and**
- (f) Seek further technical assistance from, inter alia, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO).**

**7. Special protection measures**  
**(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Economic exploitation**

433. The Committee, despite the State party's ratification in April 2003 of the International Labour Organization (ILO) Convention 182 on the Elimination of the Worst Forms of Child Labour, remains concerned that the domestic legislation on child labour are not sufficiently enforced, and that there is no specific programme in place to protect children from exploitative labour. The Committee expresses concern about the low minimum age for employment, which is currently set at 12. The Committee is also concerned about the 16 to 18 year olds who work in sugar factories at night. The Committee further notes with concern that most children work in the informal sector, to which regulatory legal provisions do not apply, including domestic labour.

434. **The Committee recommends that the State party:**

- (a) Raise the minimum age for employment to the level required by ILO Convention 138;**
- (b) Adopt appropriate measures, including legislative measures, to prevent and eliminate unlawful work and to implement ILO Convention 182;**
- (c) Make every effort, including taking preventive measures to ensure that those children who engage in lawful domestic work do not work under conditions which are harmful to them and continue to have access to education; and**
- (d) Implement all policies and legislation relevant to child labour, inter alia, through campaigns and education for the public on the protection of the rights of children.**

**Substance abuse**

435. While noting the initiatives taken by the State party to eradicate trafficking and illicit use of drugs, including the National Alcohol and Drug Abuse Prevention Programme (NADAPP), the Committee remains concerned at the growing incidence of substance abuse by children, including the use of marijuana and cocaine. It is also concerned about the lack of specific legislation prohibiting the sale, use and trafficking of controlled substances by children. The Committee also notes with concern that alcohol consumption by children is widespread, excessive and starts at a young age.

436. **The Committee recommends that the State party continue its efforts to combat drug and alcohol abuse by children, including through public education awareness campaigns, and ensure that children who abuse alcohol and/or use drug and substance have access to effective structures and procedures for treatment, counselling, recovery and social reintegration.**

### **Street children**

437. In view of the State party's recognition that there are children who work and live in the streets, and given that they are often victims of abuse, neglect and exploitation, the Committee regrets the paucity of information about specific programmes and measures taken to address their situation.

**438. The Committee recommends that the State party, taking into account article 12 of the Convention:**

**(a) Undertake a study on the root causes and scope of this phenomenon and establish a comprehensive strategy to prevent this phenomenon and to reduce the number of street children;**

**(b) Take effective measures to ensure that street children are provided with adequate protection, nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training in order to support their full development;**

**(c) Ensure that street children are provided with recovery and social reintegration services, especially when victims of physical, sexual and substance abuse, and provided with services for reconciliation with their families and community;**

**(d) Establish an adequate mechanism to receive complaints from street children about cases of abuse and violence; and**

**(e) Seek technical assistance from, inter alia, UNICEF in this regard.**

### **Refugee children**

439. While acknowledging that the State party is a party to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, the Committee notes with concern that there is no domestic legislation on matters relating to refugees and asylum-seekers.

**440. The Committee recommends that the State party develop and implement appropriate legislation to protect the rights of refugees and asylum-seekers.**

### **Sexual exploitation**

441. The Committee, while noting the efforts taken by the State party, remains concerned about the number of children and adolescents victims of sexual exploitation and notes with concern that sex tourism is prevalent in the State party. The Committee is also concerned that public campaigns to educate the population of the laws governing sexual exploitation have not generally been effective. The Committee also notes with concern that possession of child pornography, including on the Internet, is not specifically prohibited under the law.

442. **The Committee recommends that the State party:**

(a) **Enforce legislative and other measures to ensure protection from sexual abuse and exploitation for boys and girls under 18 years;**

(b) **Adopt, as a matter of priority, the 2001 Obscene Publications and Child Pornography Bill with a view to prohibiting specifically the possession of child pornography, including on the Internet;**

(c) **Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;**

(d) **Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

(e) **Prevent criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators; and**

(f) **Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

### **Trafficking**

443. The Committee notes the lack of information in the State party report on trafficking of persons, including children, and that there are no laws that specifically address trafficking in persons.

444. **The Committee recommends that the State party examine the phenomenon of trafficking, gathering accurate data on its prevalence and introduce accordingly legislation prohibiting trafficking of persons, including children. The Committee also recommends that the State party consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

### **Juvenile justice**

445. The Committee is concerned:

(a) About the low age of criminal responsibility;

(b) That life imprisonment may be ordered by the courts since the law does not specify the minimum age at which a person may be sentenced to life imprisonment;

(c) About children who are in adult prisons, which are reported to be overcrowded and in extremely poor conditions, despite the fact that most persons aged below 18 in conflict with the law are sent to designated children's orphanages and industrial schools or the Youth Training Centre (YCT);

(d) About persons below 18 who are placed in adult detention facilities due to "unruly character" or "depraved character", as stipulated in sections 74 (2) and 78 (3) of the Children Act, chapter 46:01.

446. **The Committee recommends that the State party review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee recommends that the State party, in particular:**

(a) **Raise the age of criminal responsibility to an internationally acceptable standard;**

(b) **Ensure that life imprisonment is never sentenced to persons below the age of 18;**

(c) **Ensure that detained children are always separated from adults and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;**

(d) **In cases where deprivation of liberty is unavoidable and used as a last resort, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law.**

## **9. Optional Protocols to the Convention on the Rights of the Child**

447. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

448. **The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.**

## **10. Follow-up and dissemination**

### **Follow-up**

449. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

450. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

451. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 3 January 2009, due date of the fourth periodic report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years as foreseen by the Convention.

## **Concluding observations: Hungary**

452. The Committee considered the second periodic report of Hungary (CRC/C/70/Add.25) at its 1100th and 1102nd meetings, held on 18 January 2006, and adopted the following concluding observations at the 1120th meeting, held on 27 January 2006.

### **A. Introduction**

453. The Committee welcomes the submission of the State party's second periodic report, written in a self-critical manner, in addition to the detailed written replies to its list of issues and the frank dialogue with a competent, cross-sectional delegation which enabled the Committee to have a clear understanding of the situation of children in Hungary.

**B. Follow-up measures undertaken and progress achieved by the State party**

454. The Committee notes with appreciation a number of positive developments in the reporting period, including:

- (a) Numerous amendments to the Child Protection Act;
- (b) The adoption of the Act on Equal Treatment and the Promotion of Equal Opportunities in 2003, prohibiting both direct and indirect discrimination;
- (c) The independent monitoring by the Parliamentary Commissioners for Civil Rights and Ethnic and National Minorities, in particular the consideration given to child rights issues and cases;
- (d) The prohibition of corporal punishment in the home by amendment of the Act on the Protection of Children in 2004;
- (e) Expanded programmes for the social inclusion of Roma children.

455. The Committee also welcomes the ratification of:

- (a) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 20 April 2000;
- (b) The Rome Statute of the International Criminal Court on 30 November 2001;
- (c) The Council of Europe Convention on Cybercrime on 4 December 2003;
- (d) The Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on 6 April 2005.

**C. Main subjects of concern and recommendations****1. General measures of implementation  
(arts. 4, 42 and 44 (para. 6) of the Convention)****Committee's previous recommendations**

456. The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.87 of June 1998) made upon the consideration of the State's initial report (CRC/C/70/Add.34) have been addressed through legislative, administrative and other measures. However, it regrets that some of its concerns and recommendations have been insufficiently addressed, particularly those concerning the need for a national plan of action and policy coordination, disaggregated statistics, budget allocation, training of professionals, discrimination of children belonging to an ethnic minority (in particular Roma), health issues, sexual exploitation and trafficking.

**457. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and will be repeated in this document and to address the list of other concerns contained in the present concluding observations on the second periodic report.**

### **Legislation and implementation**

458. The Committee takes note of the State party's declaration that all laws conform to the Convention and that in the event of legal dispute Hungarian courts apply the provisions of the Convention. The Committee, however, is concerned that decentralization established through the Child Protection Act of 1997 places responsibilities on the counties and local authorities without providing them with sufficient means in order to establish effective child protection and welfare services.

**459. The Committee recommends that the State party reassess the obligations placed on the counties and local authorities and support them with sufficient human and financial resources enabling them to establish an effective child protection system and adequate child welfare services.**

### **Coordination and National Plan of Action**

460. The Committee recognizes the existence of diverse action plans in specific areas but reiterates its concern at the lack of a comprehensive national plan of action for children in Hungary and reiterates its previous concern regarding a lack of a coordinated policy relating to the implementation of the Convention, particularly at the local level.

**461. The Committee recommends that the State party, taking into account the general comment No. 5 of the Committee on General Measures of Implementation:**

**(a) Develop and implement a National Plan of Action for children, provided with an adequate budget, timetables and a monitoring system, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the Plan of Action "A World Fit for Children" adopted by the General Assembly special session in May 2002;**

**(b) Take the necessary measures for an effective coordination of the activities of the guardianship offices (at county, city and municipal level), the child representatives and the expert committees.**

### **Independent monitoring**

462. The Committee appreciates the work carried out by the Parliamentary Commissioners for Civil Rights and Ethnic and National Minorities, however, it is concerned that insufficient resources have been made available to these institutions in order to conduct their independent monitoring function effectively.



463. **The Committee recommends that:**

(a) **The State party strengthen the role played by the Parliamentary Commissioners in monitoring the implementation of children's rights, in particular at the county and local level, by providing them with additional human and financial resources, and take due account of the general comment No. 2, on national human rights institutions;**

(b) **The recommendations issued by the Parliamentary Commissioners relating to children's issues be given due consideration and follow-up action;**

(c) **Attention be given to the creation of a complaints and monitoring mechanism accessible to children.**

### **Resources for children**

464. The Committee regrets the limited information on budget allocations for the implementation of the Convention, particularly regarding health, education, child protection and social services. While noting the information that the national budget provides financial resources on a standardized basis for various services and at the local level, the Committee is concerned that poor municipalities have problems in generating necessary additional resources.

465. **The Committee recommends that the State party allocate adequate resources and invite the State party to provide detailed information on budget allocations for the implementation of the Convention in its next report, in particular for the economic, social and cultural rights of children, in particular for those living in families with scarce economic means, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation". In addition, the Committee recommends that the State party ensure that all municipalities have sufficient resources for an effective performance of their responsibilities in order to contribute to a reduction of the urban-rural disparities in the enjoyment of children's rights.**

### **Data collection**

466. The Committee considers that the availability of statistical data is essential in order to identify and combat direct and indirect discrimination as well as devise and implement targeted positive action programmes and subsequent measures for monitoring progress achieved. In this respect, it again notes with concern that the Data Protection Act impedes the compilation of disaggregated statistics, especially with regard to most vulnerable groups of children, such as minority children; in particular Roma, disabled children, asylum-seeking children and children in conflict with the law.

467. **The Committee recommends that the State party thoroughly examine the existing laws and regulations that impede the collection of disaggregated data, with reference to the opinion of the European Commission against Racial Discrimination that the collection and publication of data broken down according to ethnic origin can be done in full respect of**

**human rights provided that certain requirements are met. In addition, it recommends the State party to significantly improve the collection of data relevant for the implementation of the Convention via a comprehensive and well coordinated system in order to assess progress made and to devise and implement the necessary positive action programmes.**

#### **Training/dissemination of the Convention**

468. The Committee notes that the Convention has been translated into languages of minority groups but remains concerned about the lack of dissemination and training regarding the provisions of the Convention to professionals working with and for children.

469. **The Committee encourages the State party to promote further the recognition of the Convention, with special attention to dissemination among vulnerable groups, such as immigrants, ethnic or language minorities, and to improve its efforts to establish systematic and permanent training on children's rights for all professional groups working with and for children (inter alia, judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers and health personnel). Importantly, the State party should ensure that children themselves and their parents be informed of the principles in the Convention through the educational system.**

### **2. General Principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

470. Despite legislative advances by way of the Act on Equal Treatment and the Promotion of Equal Opportunities adopted in 2003 and several measures and programmes aiming at the elimination of discrimination, the Committee is concerned that discriminatory and xenophobic attitudes, in particular towards the Roma population, remain prevalent and that especially Roma children suffer from stigmatization, exclusion and socio-economic disparities, notably related to housing, unemployment, access to health services, adoption and educational facilities because of their ethnic status.

471. **The Committee strongly recommends that the State Party:**

**(a) Initiate campaigns to change widespread discriminatory behaviour of excluding members of the Roma community from services that have to be accessible to all citizens regardless of their ethnicity or any other status;**

**(b) Continue cooperation with the Roma community on improving the parents' awareness of the importance of children's development and education;**

**(c) Strengthen and expand programmes that assist disadvantaged children whose development was impeded by poor socio-economic conditions during young childhood;**

(d) **Systematically abolish all institutional settings which segregate children based on discriminatory grounds; and**

(e) **Expediently terminate the practice of withdrawing public responsibility for the education of certain children by assigning them “private” student status.**

472. **The Committee also requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 on article 29 (1) of the Convention (aims of education).**

#### **Best interests of the child**

473. While the Committee notes that the consideration of the general principle of the best interests of the child is consistently demanded by laws, it is concerned that this principle is not always respected in practice, in particular with regard to decisions affecting children belonging to vulnerable groups such as refugee and asylum-seeking children and children belonging to ethnic minorities, particularly Roma.

474. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have impact on children, including children belonging to vulnerable groups.**

#### **Respect for the views of the child**

475. While the Committee welcomes the efforts made by the State party to promote respect for the views of the child, it is aware of a general attitude in society to pay little attention to children’s views and in particular notes that the views of the child are insufficiently taken into account in the decision-making process of alternative care placements and custody cases.

476. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. Particular emphasis should be placed on the right of every child to express his or her views freely in all matters affecting him or her, the views of the child being given due weight in accordance with the age and maturity of the child in question. This general principle should also be reflected in all laws, judicial and administrative decisions, policies and programmes relating to children and should be implemented in the family, school, community and all institutions attended by and working with children.**

### **3. Civil Rights and Freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)**

#### **Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

477. The Committee is concerned about information indicating that children continue to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities.

**478. The Committee recommends that the State party investigate thoroughly all allegations of torture and ill-treatment committed in particular within the juvenile justice administration by public officials and ensure that perpetrators are rapidly brought to justice and tried. The Committee also encourages the State party to provide adequate reparations, rehabilitation and recovery programs for victims of such abuses.**

#### **Access to appropriate information**

479. The Committee is concerned over the exposure of children to violence, racism and pornography, especially through the Internet.

**480. The Committee recommends that the State party take all appropriate measures to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet.**

### **4. Family Environment and Alternative Care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

#### **Separation from parents**

481. The Committee is concerned about the high rate of children placed in alternative care, often for financial reasons, many of them for a long period of time, including very young children and children with disabilities. It notes with regret that about half of these children are not in foster families but in institutions. The Committee is particularly worried about the considerable overrepresentation of Roma children among children in institutions. The Committee is also very concerned that not enough efforts are made to return children to their families as soon as possible.

482. The Committee is concerned by reports about the extremely low quality of many institutions and by the fact that children previously in state care subsequently are overrepresented among the homeless.

**483. The Committee recommends that the State party provide adequate family support in order to prevent separation and promote family based assistance in foster care as a form of alternative care. The Committee furthermore suggests that institutionalization be used only as a measure of last resort, taking into account the best interests of the child. In this regard the State party should provide maximum support possible for the work of child representatives and child protection officers with a view to prevent and reduce placements**

**in institutions. The Committee recommends that the State party ensure proper resource allocation, functioning and monitoring of the care institutions and foster care as well as a periodic review of placement in conformity with article 25 of the Convention.**

**484. The Committee recommends that the State party undertake further preventive efforts to address root causes of poverty and to avoid that poor socio-economic conditions result in the separation of children from their parents. During placement in institutions, children should be assisted in maintaining contact with their families with a view towards achieving reintegration. The quality of institutions needs to be improved, staff should be offered additional training, psychosocial assistance should be provided for the children and the education provided should seek to prepare children for an independent life in adulthood. The children affected should be directly consulted throughout the period of institutional placement.**

### **Adoption**

**485. The Committee welcomes the ratification of the Hague Convention and the designation of a central regulating authority, however it is concerned over the short period of time after birth during which the mother may withdraw her consent. The Committee is also concerned by the high number of Roma children who are maintained in institutions even though some of them might benefit from adoption.**

**486. The Committee recommends that the central regulating authority be provided with sufficient financial and human resources to comply with its mandate. Particular attention should be paid to the right of all children to know their origins. The Committee urges the State party to identify those children who could benefit from adoption and initiate the adoption process, taking into consideration the cultural background of these children in accordance with article 20 of the Convention.**

### **Violence, abuse, neglect and maltreatment**

**487. The Committee is concerned about the number of children who are victims of violence in the family and sexual abuse and about the lack of preventive and reintegration measures available.**

**488. In light of article 19 of the Convention, the Committee recommends that the State party:**

- (a) Undertake further in-depth studies on violence against children, including sexual abuse, in order to assess the extent, the causes, scope and nature of these violations;**
- (b) Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse;**
- (c) Review the relevant legislation with a view to strengthening the protection of children where necessary;**

**(d) Improve the reporting of cases of child abuse inter alia by ensuring that mandatory reporting for professionals working with or for children is applied in practice and by introducing child-sensitive possibilities to report instances of abuse;**

**(e) Provide the necessary services for full physical and psychological recovery and social reintegration for children victims of violence;**

**(f) Develop a monitoring system of the responsibilities placed on local authorities;**

**(g) Pay particular attention to the establishment of emergency mechanisms such as a 24-hour toll free helpline and shelters for children and women with children.**

489. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

#### **5. Basic Health and Welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

##### **Children with disabilities**

490. The Committee is concerned about the lack of an inclusion policy and integration mechanisms and inadequate assistance for children with disabilities.

491. **The Committee recommends that the State party:**

**(a) Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**

**(b) Pursue efforts to ensure that children with disabilities exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**

**(c) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

**(d) Pursue further efforts to avoid the marginalization and exclusion of children with disabilities and of children with disabled parents.**

## **Health and health services**

492. The Committee expresses concern regarding the unequal access to health services throughout the country, in particular the limited access for children in rural areas and Roma children.

493. **The Committee recommends that the State party review its financial allocations for health services in rural areas. Furthermore, a concrete strategy should be adopted and implemented in order to ensure that medical services are provided without discrimination.**

## **Adolescent health**

494. The Committee expresses concern over the lack of reproductive health information available to teenagers and the rising cost of contraceptives, in turn linked to the high rates of adolescent pregnancies. Furthermore, the Committee is concerned over the high incidence of drug addiction among adolescents. The Committee is also concerned over the high suicide rates among children and the lack of mental health services.

495. **The Committee recommends that the State party pay close attention to adolescent health, taking into account general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, and strengthen its efforts to promote adolescent health, including sexual and reproductive health education in schools, and to introduce school health services, including youth-sensitive and confidential counselling and care. The Committee also recommends that the State party take all necessary measures to address the problem of suicide and to establish adequate mental health services for children.**

## **Standard of living**

496. The Committee takes notice of the reform of the family allowance system, including an evident increase of benefits for children. The Committee remains concerned about the high number of families living in poverty and the even higher number of single parent families, families with three or more children and families caring for a child with severe disabilities. In particular the Committee is concerned about the predominance of the Roma population amongst the poor and the difficulty for this population to evade economic hardship because of unemployment, segregated settlements and educational deficits caused to a large extent by discrimination.

497. **The Committee recommends that the State party:**

(a) **Thoroughly examine the effects of the new family allowance system with a view to ensure that every child enjoys the right to an adequate standard of living;**

(b) **Strengthen, if necessary, the efforts to improve the standard of living of disadvantaged children, particularly those living in single parent families, families with three or more children and families caring for a child with severe disabilities; and**

(c) **Provide material assistance and support capacity building programmes in order to protect children against the detrimental impact of deficient living conditions.**

498. **Furthermore, the Committee recommends that the State party engage NGOs in dialogue, especially organizations working with family and children's issues, and civil society in general, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.**

**6. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

**Education**

499. The Committee recognizes with appreciation that education is compulsory and free until the age of 18 and that the overwhelming majority of children use the provided opportunities for primary as well as secondary education. The Committee notes with regret that the non-attendance of a number of children is not adequately controlled or prevented and that many Roma children leave the school system before graduation, although the Government has established programmes and scholarships in order to further the learning performance of Roma children.

500. The Committee, while recognizing certain efforts to reduce segregated education, is concerned that many Roma children are still arbitrarily placed in special institutions or classes. Furthermore, the Committee is concerned that the quality of schools suffers from regional disparities and that access to pre-schools is reportedly limited in regions where poverty is high and Roma population is dominant.

501. **The Committee recommends that the State party take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, while taking into account general comment No. 1 (2001), when legislation and policies in the area of education are designed. Particular attention should be paid to abolishing segregation in schools that continues to disadvantage Roma children.**

502. **The Committee further suggests that recommendations regarding suitable measures in the field of segregated education as proposed by the Parliamentary Commissioners on Civil Rights and the Parliamentary Commissioner for National and Ethnic Minorities Rights be given due consideration.**

503. The Committee regrets that there is no obligatory component of human rights education in the core curriculum of all schools.

504. **The Committee recommends that an obligatory component of human rights education be introduced in the curriculum as it may play a central role in the endeavours to change discriminatory attitudes.**

505. The Committee is concerned that corporal punishment in schools, despite being prohibited by the Hungarian Child Education Act, continues to occur.



506. **The Committee recommends that the State party undertake measures, including corrective ones, in order to sensitise professionals within the educational system, in particular teachers, about their obligation to refrain from resorting to corporal punishment. In addition, the Committee recommends that awareness-raising campaigns be implemented in order to inform children of their rights.**

**7. Special protection measures  
(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

**Refugee and asylum-seeking children**

507. The Committee notes with appreciation that the State party has improved the conditions for refugee and asylum-seeking children by guaranteeing their legal right to education, involvement of psychologists in the determination of refugee status and by the establishment of a special residential facility for separated children. However, the Committee remains concerned about the obstacles hindering family reunification among refugees.

508. **The Committee recommends that the State party improve the possibilities for family reunification by refraining from the application of financial conditions. Furthermore, the Committee recommends that the State party take into account general comment No. 6 (2005) in the design of legislation and policies relating to the treatment of unaccompanied and separated children outside their country of origin.**

**Sexual exploitation and trafficking**

509. The Committee welcomes that the Hungarian Penal Code has applied the definition of trafficking as contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), however it regrets that ratification of the above-mentioned Protocol still remains pending since its signature on 14 December 2000.

510. **The Committee recommends that the State party ratify as soon as possible the above-mentioned Protocols. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by:**

- (a) Undertaking studies to assess the nature and magnitude of the problem;**
- (b) Providing training for professionals, inter alia, police, court personnel, social workers;**
- (c) Providing adequate programmes of assistance and social reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

**Administration of juvenile justice**

511. The Committee is concerned about reported cases involving minors being arbitrarily detained and about ill treatment by law enforcement officials. Also, the Committee is concerned about reports of ill-treatment by adult inmates due to mixed detention facilities. The Committee expresses concern over the lack of public defence lawyers. The overrepresentation of Roma children within the administration of juvenile justice remains a serious concern.

512. **The Committee recommends that the State party fully bring the system of juvenile justice into line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends that the State party in particular:**

(a) **Take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and that children, if detained remain separated from adults and protected from any form of ill-treatment;**

(b) **Implement alternative measures to deprivation of liberty, such as probation, community service and suspended sentences;**

(c) **Ensure that persons under 18 years of age in conflict with the law have access to legal aid as well as independent and effective complaints mechanisms;**

(d) **Ensure that the principle of non-discrimination is strictly applied, in particular with regards to children of vulnerable groups such as Roma;**

(e) **Maintain efforts concerning training on human rights and the problems of racism and discrimination provided for officials working with the administration of justice, in particular those in regular contact with members of vulnerable groups.**

**Children belonging to minority groups**

513. The Committee expresses concern at the continuing problems faced by Roma children that seriously affect the full enjoyment of their rights. In particular, the Committee is concerned about their high drop-out rate from school, which has a negative impact on their education and on their future access to employment.

514. **The Committee recommends that the State party continue to take measures towards social integration of these children and to combat marginalization and stigmatization of Roma children. Furthermore, additional measures are needed to ensure the full enjoyment of the rights enshrined in the Convention by Roma children, in particular as to their access to education and adequate standard of living.**

## **8. Optional Protocols to the Convention on the Rights of the Child**

515. The Committee notes that the State party has signed but not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography as well as on the involvement of children in armed conflict.

516. **The Committee recommends that the State party ratify as a matter of urgency the Optional Protocols to the Convention on the Rights of the Child on the involvement of sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.**

## **9. Follow-up and dissemination**

### **Follow-up**

517. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Ministries, Parliament, and to county authorities, for appropriate consideration and further action.**

### **Dissemination**

518. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) adopted by the Committee be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **10. Next report**

519. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the United Nations Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial and the Committee appreciates the State party's performance in this regard. The Committee invites the State party to submit its combined third, fourth and fifth periodic report, which should not exceed 120 pages (see CRC/C/118), by 5 May 2012, which is 18 months before the due date of the fifth periodic report. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

## **Concluding observations: Lithuania**

520. The Committee considered the second periodic report of Lithuania (CRC/C/83/Add.14) at its 1101st and 1103rd meetings (see CRC/C/SR.1101 and 1103), held on 18 January 2006, and adopted at its 1120th meeting, held on 27 January 2006, the following concluding observations.

## **A. Introduction**

521. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues (CRC/C/LTU/Q/2/Add.1). The Committee also notes with appreciation the frank and open dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

## **B. Follow-up measures undertaken and progress achieved by the State party**

522. The Committee welcomes several laws and regulations adopted during recent years aimed at protecting and promoting the rights of children, inter alia:

- (a) The Republic of Lithuania Civil Code (18 July 2000, No. VIII-1864);
- (b) The Code of Civil Procedure (28 January 2002, No. IX-743);
- (c) The Criminal Code of the Republic of Lithuania (26 September 2000, No. VIII-1968);
- (d) The Republic of Lithuania Code of Criminal Procedure (14 March 2002, No. IX-785);
- (e) The Republic of Lithuania Code of Serving Punishments (27 June 2002, No. IX-994);
- (f) The Law on the Legal Status of Aliens in the Republic of Lithuania;
- (g) Recent legislative amendments to secure access to free health-care services for vulnerable persons, including all separated and unaccompanied children irrespective of their legal status in the country;
- (h) Regulations for Organizing the Childcare and Foster Families; and
- (i) General Regulations of the Child's Rights Protection Agencies.

523. In addition, the Committee notes with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as the Ombudsman for Children, and the restructuring of the municipal child's rights protection agencies.

524. The Committee welcomes the ratification of or accession to a number of international human rights instruments, including:

- (a) The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, on 24 January 2003;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, on 20 February 2003, and the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, on 5 August 2004;

(c) The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 23 June 2003;

(d) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 29 September 2003; and

(e) The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, on 20 May 2004.

### **C. Principal subjects of concern, suggestions and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

##### **Committee's previous recommendations**

525. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.146) after its consideration of the State party's initial periodic report (CRC/C/11/Add.21) have been insufficiently or only partly addressed regarding, inter alia, coordination, allocation of budgetary resources, violence against children, alternative care, adolescent health and adequate standard of living.

**526. The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.**

##### **Legislation**

527. While welcoming measures taken to bring national legislation into conformity with the Convention, notably the Strategy of State Policy on Child Welfare and its implementation plan for 2005-2012 (hereinafter the Action Plan for 2005-2012 on Child Welfare), the Committee notes that the national legislation in some areas, inter alia, protection from violence, corporal punishment and physical and psychological recovery and reintegration of the child victim, has still not been brought into full conformity with the Convention.

**528. The Committee invites the State party to take all necessary measures to ensure that national legislation satisfies the requirements of the Convention in all respects.**

##### **Coordination**

529. The Committee notes measures taken by the State party to improve the coherency and coordination of implementation of the Convention at both central and local levels, including the establishment of the Youth Division of the Family, Children and Youth Department and the State Child Rights Protection and Adoption Service, both under the Ministry of Social Security and Labour. Nevertheless, the Committee is concerned at the lack of coordination and coherency of the implementation of the Convention both at central and local levels, especially with regard to local authorities.

530. **The Committee recommends that the State party continue and strengthen its efforts to improve the coherency and coordination of the implementation of the Convention so as to ensure adequate cooperation among central and local authorities as well as cooperation with children, young people, parents and non-governmental organizations.**

#### **National Plan of Action**

531. The Committee takes note of several programmes that strive to achieve fuller implementation of children's rights and welcomes the National Plan of Action for the Promotion and Protection of Human Rights in the Republic of Lithuania as well as the Action Plan for 2005-2012 on Child Welfare. Nevertheless, the Committee is concerned that inadequate resources have been allocated for the implementation of these plans and programmes, including the Action Plan on Child Welfare.

532. **The Committee recommends that the State party:**

(a) **Ensure that the Action Plan on Child Welfare is clearly oriented towards the rights of the child as enshrined in the Convention, that it covers all areas of the Convention and takes into account the outcome document of the 2002 United Nations General Assembly Special Session on children, "A World Fit for Children";**

(b) **Provide an adequate budget for its implementation; and**

(c) **Place all other action plans and programmes under the coordination of the Action Plan on Child Welfare in order to overcome a fragmented approach to the implementation of child rights.**

#### **Independent Monitoring Structures**

533. The Committee welcomes the establishment of the post of Ombudsman for Children on 1 September 2000 and the comprehensive mandate extended to the Office. However, it is concerned that insufficient resources have been allocated in order to enable it to effectively carry out the mandate and monitor the implementation of the Convention throughout the country.

534. **The Committee recommends that the State party, taking into account its general comment No. 2 (2002) on the role of independent human rights institutions (CRC/GC/2002/2), continue to strengthen its support to the Office of the Ombudsman for Children, including by providing sufficient human and financial resources to the Office to enable it to effectively carry out its mandate and monitor the implementation of the Convention throughout the country.**

#### **Allocation of resources**

535. While noting a general increase in funds allocated to expenditures relating to children, the Committee is concerned that the budgetary allocations are inadequate to ensure the implementation of the Convention, including the effective implementation of the significant number of programmes and reforms undertaken by the State party. The Committee is also concerned at regional disparities between rural and urban areas and is also concerned that a large number of families with children who live in poverty do not have enough support.

536. **The Committee recommends that the State party:**

(a) **Continue to increase its budgetary allocations to key areas for children, including education;**

(b) **Develop an adequate monitoring system to ensure that budgetary allocations effectively reach the most vulnerable groups and reduce regional disparities, in particular between rural and urban areas;**

(c) **Undertake a study on the impact of the Government's budgetary resources allocated for children and their families in order to assess their effectiveness; and**

(d) **Develop a comprehensive strategy to ensure the full implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular at the local level and with respect to children belonging to the most vulnerable groups in society.**

#### **Data collection**

537. The Committee welcomes efforts made by the State party with regard to data collection, including the List of Indicators of the Statistics on Children, but it regrets the lack of disaggregated data regarding the situation of children belonging to the most vulnerable groups, including minority groups, and children victims of trafficking.

538. **The Committee recommends that the State party continue its efforts to develop a system for the comprehensive collection of data on children, and that these are disaggregated, inter alia, by age for all persons under 18 years, gender, urban and rural areas and by those groups of children who are in need of special protection, in order to allow detailed analysis of their living conditions and the implementation of their rights.**

#### **Training/Dissemination of the Convention**

539. The Committee welcomes the translation of the Implementation Handbook for the Convention on the Rights of the Child into the Lithuanian language and acknowledges the efforts of the State party in training professionals working with and for children. The Committee nevertheless notes with concern that the principles and provisions of the Convention are not disseminated at all levels of society, notably in rural areas and among children and that training on the Convention remains insufficient.

540. **The Committee encourages the State party to widely disseminate the Implementation Handbook and to disseminate the Convention further, including through incorporating human rights education in the curricula of both primary and secondary schools. The Committee also recommends that the State party continue its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children such as judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and especially children themselves.**

**Cooperation with civil society**

541. The Committee welcomes efforts made by the State party to establish relationships between the Government and civil society and increase mutual cooperation. However, the Committee remains concerned at insufficient efforts made by the State party to involve and support civil society in the implementation of the Convention.

**542. The Committee emphasizes the important role that civil society plays as a partner in implementing the provisions of the Convention and encourages closer cooperation with NGOs. In particular, the Committee recommends that the State party involve NGOs and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

**2. Definition of the child  
(art. 1 of the Convention)**

543. The Committee notes with concern the lack of clarity on the legal minimum age of sexual consent as there is no provision to this effect in the State party's domestic legislation.

**544. The Committee recommends that the State party review and amend as appropriate the existing legislation to establish one minimum age for sexual consent.**

**3. General principles  
(arts. 2, 3, 6 and 12 of the Convention)**

**Non-discrimination**

545. The Committee reiterates its concern at the fact that the principle of non-discrimination is not being fully implemented for children living in vulnerable families and in institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.

**546. The Committee recommends that the State party take more effective measures to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention, by effectively implementing the existing laws which guarantee the principle of non-discrimination. The Committee also recommends that the State party prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.**

**547. Furthermore, the Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's general comment No. 1 (2001) on article 29, paragraph 1, of the Convention (aims of education) (CRC/GC/2001/1) and general comment No. 4 (2003) on adolescent health (CRC/GC/2003/4).**



### **Best interests of the child**

548. While the Committee notes that the principle of the best interests of the child is often taken into account in legislation, it is concerned that this principle is not adequately respected and implemented in practice in all domains of policy affecting children, including detention of asylum-seeking children.

**549. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions, and in projects, programmes and services that have direct or indirect impact on children.**

### **Respect for the views of the child**

550. The Committee welcomes the efforts made by the State party to promote the respect of the views of the child, including the establishment of the Lithuanian Youth Parliament in 2000. It also notes the efforts made as regards children's participation in the schools. However, the Committee is concerned that these efforts are insufficient and that article 12 of the Convention may not be fully taken into account in practice in judicial and administrative decisions.

**551. The Committee recommends that the State party:**

**(a) Take further steps to promote and facilitate respect for children's views and ensure their participation in all spheres of society, including in the family and schools;**

**(b) Take the necessary measures to ensure effective implementation of article 12 of the Convention, not only in court proceedings but also in various administrative decisions, including with respect to child protection services, custody proceedings and the placement of children in institutions;**

**(c) Effectively promote and encourage respect for the views of children below the age of 12 years, according to his/her evolving capacities;**

**(d) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, children themselves and society at large, on children's right to be heard and to have their views taken into account; and**

**(e) Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.**

## **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

### **Right to a nationality**

552. The Committee reiterates its concern that children born to stateless persons who have no right of permanent residence in Lithuania do not automatically obtain a nationality.

**553. The Committee encourages the State party to take all appropriate measures to ensure that all children born in Lithuania are protected from statelessness.**

#### **Access to appropriate information**

554. The Committee is concerned that not enough programmes and books for children are being produced and disseminated in the country. The Committee is also concerned about the exposure of children to violence, racism and pornography, especially through the Internet.

**555. The Committee recommends that the State party provide regular funds to publish adequate quality and professional literature for children. The Committee also recommends that the State party strengthen its measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies and games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means of raising awareness among both children and parents about information and material injurious to the well-being of children. The State party is encouraged to develop agreements and projects with journalists and the media with a view to protecting children from being exposed to harmful information in the media and improving the quality of information addressed to them.**

#### **Corporal punishment**

556. While welcoming the commitment from the State party during the dialogue to prohibit corporal punishment in the family, the Committee remains concerned at the continued use of corporal punishment, in particular within the family, due to the generally tolerant attitude towards this practice.

**557. The Committee recommends that the State party:**

**(a) Explicitly prohibit corporal punishment in the family and implement existing prohibitions;**

**(b) Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment as well as an evaluation of the impact of measures undertaken so far by the State party to reduce and eliminate corporal punishment; and**

**(c) Develop measures to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of childrearing and education.**

#### **5. Family environment and alternative care**

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4); and 39 of the Convention)**

#### **Separation from parents**

558. The Committee is concerned that a large number of children are placed outside their homes and that many parents lose parental authority over their children when they are placed in foster care or in institutions by the courts.

559. The Committee recommends that the State party take all possible measures, including establishment of precise criteria for the limitation of parental rights, in order adequately to protect parental rights and the parent-child relationship and thereby ensure that a child is not separated from his or her parents against their will except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. The Committee also recommends that the State party take all necessary measures to ensure that both parents and children are given an opportunity to participate in the proceedings and make their views known in accordance with article 9 of the Convention.

#### **Alternative care for children**

560. The Committee welcomes the efforts made to implement its previous recommendations, in particular through the expansion of the foster care system. However, the Committee remains concerned that institutionalization is prioritized as a form of alternative care and that the foster care system is insufficiently regulated and resourced.

561. The Committee recommends that the State party:

- (a) Ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child;
- (b) Systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention;
- (c) Carry out a reform of the alternative care system and ensure that there are enough qualified supervisors and adequate resources for the proper functioning and monitoring of the system;
- (d) Ensure that children, if they are raised in institutions, live in small groups and are individually cared for, that the parent-child relationship will not be negatively affected by placement in alternative care, and that family reunion or establishment of family environment is prioritized;
- (e) Provide targeted services to children who will soon become adults and leave the institutions and encourage their reintegration into society;
- (f) Strengthen and support the system of foster care, develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care;
- (g) Provide adequate social and economic support to the social risk families, including through the establishment of a support network and the creation of job opportunities for these families;
- (h) Consider creating a special fund to provide social service for a family in a crisis situation; and

**(i) Adopt and implement the recommendations presented in the regional monitoring report “A Decade of Transition” (2001) of the UNICEF *Innocenti* research centre on the children under the State guardianship.**

### **Violence, abuse and neglect**

562. While welcoming the 2005-2007 National Programme for the Prevention of Child Abuse and for the Assistance for Children, the Committee reiterates its concern at the acute problem of violence against children and abuse within families which is one of the most serious obstacles to the full implementation of child rights in Lithuania. The Committee is also concerned about the lack of data, appropriate measures and mechanisms to address the problem.

**563. The Committee urges the State party to:**

**(a) Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat all forms of child abuse;**

**(b) Increase its support to and collaboration with the toll-free national helpline and thereby ensure that the helpline reaches more children by: extending hours to a 24-hour daily service with a 3-digit toll-free number, raising awareness amongst children, allocating resources to the marginalized child, and including greater child participation in the development of programmes;**

**(c) Strengthen measures to encourage reporting of instances of child abuse, including by giving opportunities to this end to children in alternative care, and to prosecute the perpetrators of these acts; and**

**(d) Continue to provide care, full physical and psychological recovery and social reintegration for child victims of violence.**

564. In the context of the Secretary-General’s in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Ljubljana, Slovenia, from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

## **6. Basic health and welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

### **Children with disabilities**

565. The Committee reiterates its concern that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country. Furthermore, it is concerned at the number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for these children.

566. **The Committee recommends that the State party:**

- (a) Allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas;**
- (b) Develop community-based programmes in order to allow these children to stay at home with their families;**
- (c) Further encourage their inclusion into the mainstream educational system and their integration into society;**
- (d) Consider creating an inter-institutional plan with the support of local government and civil society and thereby strengthen cooperation between teachers, school management, parents, children and the society at large; and**
- (e) Give due attention to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69).**

#### **Health and health services**

567. The Committee welcomes the information provided by the State party on legislative and other measures aimed at contributing to the protection of mothers, infants and school-age children, such as the Action Plan for 2005-2012 on Child Welfare with regard to the health of children and access to health-care services. However, the Committee remains concerned at the number of cases of tuberculosis and of children suffering from iodine deficiency, as well as the exclusive breastfeeding rate in the country. It also expresses its concern at the limited access to clean and safe drinking water in the country.

568. **The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children, including through:**

- (a) Ensuring that all children have access to basic health-care services;**
- (b) Allocating appropriate resources to implement the Action Plan for 2005-2012 on Child Welfare;**
- (c) Strengthening its efforts to implement the National Tuberculosis Prevention and Control Programme for 2003-2006;**
- (d) Addressing the issue of iodine deficiency through, inter alia, education and promotion of healthy feeding practices;**

**(e) Ensuring the implementation of the National Food and Nutrition Strategy for 2003-2010 and encouraging exclusive breastfeeding for six months after birth with the addition of an appropriate infant diet thereafter; and**

**(f) Ensuring access to safe and clean drinking water and sanitation in all areas of the country.**

### **Adolescent health**

569. The Committee is concerned about the frequency of unplanned pregnancies and abortions among adolescents and notes the limited availability of programmes and services in the area of adolescent health at school. The Committee is also concerned at information that abortion is used as a primary method of family planning. Furthermore, the Committee is concerned at the high number of children who consume drugs and alcohol in the State party. While noting the programme on prevention of suicides, the Committee notes with concern the high suicide rate among adolescents.

**570. The Committee recommends that the State party:**

**(a) Strengthen its reproductive health education programme(s) for adolescents in order to prevent adolescent pregnancy and the spread of HIV/AIDS and other STDs. Such programmes should provide access to sexual and reproductive health services, including family planning, contraception and adequate and comprehensive obstetric care and counselling;**

**(b) Intensify its measures to raise awareness about and prevent suicide among adolescents, including by providing adequate resources to the implementation of the programme on prevention of suicides, and continue to improve the quality and capacity of child psychiatry in the country, paying special attention to mental health provisions, both preventive and interventional;**

**(c) Strengthen measures to address the problem of alcohol consumption and drug abuse among children and implement the projects in this area; and**

**(d) Pay due attention to the Committee's general comment No. 4 (2003) on adolescent health (CRC/GC/2003/4).**

### **Standard of living**

571. The Committee notes with concern the high number of children living in households below the national poverty line and that financial assistance and support has not always kept pace with economic growth.

**572. The Committee recommends that the State party strengthen its support for families living in economic hardship in order to ensure that poverty is reduced and children are protected against the negative impact of economic hardship on their development by providing financial and non-financial assistance. The Committee also recommends that the State party adopt the draft law on Social Services and consider accepting the provisions of the European Social Charter regarding welfare of children and families.**

**7. Education, leisure and cultural activities  
(arts. 28, 29 and 31)**

**Education, including vocational training and guidance**

573. The Committee notes with appreciation the Law on Education (2003) as well as the State Educational Strategy for the years 2003-2012 and its implementation programme. However, the Committee notes with concern the high number of children who are not enrolled in or who drop out of school. The Committee is also concerned that there exists discrimination regarding access to education by ethnic and/or national minorities, especially Roma, and that other marginalized groups of children, including children with disabilities, as well as children in the socially and economically vulnerable families face difficulties of access to schooling. Furthermore, the Committee is concerned at the small number of children attending preschool.

574. **The Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. Roma children, those living in poverty, children with disabilities, etc.);**

**(b) Further improve the State Educational Strategy for the years 2003-2012 and its implementation programme to ensure that the principles behind “A School for All” are effectively implemented;**

**(c) Improve the efficiency of the educational system, paying particular attention to the high dropout rates;**

**(d) Strengthen the support to children of the rural communities, minority groups and risk group families so that these children are able to attend school;**

**(e) Ensure that social pedagogues and social workers are available in all schools with special skills to work with children belonging to the most vulnerable groups, as well as children with emotional and development disorders; and**

**(f) Improve access to preschool education throughout the country, including to children living in rural areas.**

575. The Committee notes with deep concern reports that violence (bullying) in schools is widespread, particularly among students.

576. **The Committee recommends that the State party develop a comprehensive strategy addressing the culture of violence and its correlation with high levels of bullying amongst schoolchildren. The Committee also recommends that the State party establish adequate programmes and activities with a view to creating an environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large.**

**Leisure, recreation and cultural activities**

577. The Committee notes with concern that the State party has not given adequate consideration to the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts. The Committee is also concerned at the increase in the school workload, which causes stress and tension among students.

578. **The Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, taking into consideration the physical and psychological development of the child. The Committee also recommends that the State party further develop after school activities for all children and allocate adequate budget funds for their effective functioning. Furthermore, the Committee recommends that the State party review the school programmes to reduce the stress level of students and help them deal with its effects.**

**8. Special protection measures  
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

579. The Committee is concerned about reception conditions for families and in particular children seeking asylum in Lithuania. The Committee is also concerned about reports that children seeking asylum are detained and that they share facilities with undocumented migrants.

580. **The Committee recommends that the State party:**

(a) **Take urgent measures to further improve the reception conditions for families and in particular children seeking asylum in Lithuania by, inter alia, providing psychosocial and recovery services for traumatized children and children arriving from armed conflict as well as by improving the environment of the reception facilities;**

(b) **Ensure that asylum-seeking children, including separated children, are not detained;**

(c) **Create training programmes about the principles and provisions of the Convention for police, border guards and judiciary in the State party; and**

(d) **Pay due attention to the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6).**

581. The Committee is also concerned that persons granted temporary residence permits, including children, are excluded from the Social Welfare system once the two-year integration support period is over.

582. **The Committee recommends that the State party secure access to appropriate Social Welfare guarantees for all refugee children, irrespective of their legal status in the country.**



### **Sexual exploitation and sexual abuse**

583. The Committee expresses its concern at the increase in the number of reported cases of sexual abuse and exploitation of children.

584. **The Committee urges the State party to reinforce its measures to combat sexual abuse of children and adolescents, including by:**

- (a) Ensuring that children's testimony is recorded in an appropriate way and that the persons carrying out the hearing have the necessary specialists qualifications;**
- (b) Making prevention of violence and sexual abuse a compulsory subject in all relevant training programmes;**
- (c) Conducting a comprehensive study to assess the causes, nature and extent of abuse of children;**
- (d) Ensuring that perpetrators are prosecuted;**
- (e) Strengthening its efforts, including adequate financial resources, to provide care, full physical and psychological recovery and social reintegration for child victims of sexual abuse; and**
- (f) Giving due attention to the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC Resolution No. 2005/20).**

### **Sale, trafficking and abduction**

585. While welcoming the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008 and recent amendments in the national penal code, the Committee is concerned at the information that a high number of children under 18, especially adolescent girls, are still being trafficked for the purpose of sexual exploitation.

586. **The Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to the field. Furthermore, the Committee recommends that the State party:**

- (a) Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;**
- (b) Launch awareness-raising campaigns for children, parents and other caregivers in order to prevent trafficking, sexual exploitation and pornography involving children, and sensitize officials working with and for victims of trafficking;**

(c) **Consider establishing a public care home for the victims of trafficking; and**

(d) **Provide adequate programmes of assistance, psychosocial recovery and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children.**

### **Administration of juvenile justice**

587. While the Committee welcomes all the efforts made by the State party in the context of the Programme on Juvenile Justice Reform to bring about positive changes in its juvenile justice system, the Committee is concerned at the lack of courts with specialized juvenile judges and that judges and lawyers lack appropriate training for the application of the Convention. The Committee also regrets that children can be detained for a long period of time in police stations and detention centres before trial. Furthermore, the Committee is concerned by the fact that in connection with the corrective measures provided for in the State party report no clear mention has been made of an alternative to deprivation of liberty.

588. **The Committee recommends that the State party continue to strengthen its efforts to bring the administration of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39 and with other United Nations standards in the field of juvenile justice including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:**

(a) **Establish courts with specialized juvenile judges;**

(b) **Provide systematic training on children's rights and special needs for judges, councils for persons under 18, penitentiary staff and social workers;**

(c) **Ensure that persons below 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time;**

(d) **Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system; and**

(e) **Establish a functional system with alternative measures to deprivation of liberty, such as probation, mediation, community service or suspended sentences.**

## **9. Follow-up and dissemination**

### **Follow-up**

589. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to relevant Ministries, the Seimas and the municipalities, when applicable, for appropriate consideration and further action.

### **Dissemination**

590. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively), through Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

591. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 28 February 2009. This report should combine the third and fourth periodic reports and should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

## **Concluding observations: Azerbaijan**

592. The Committee considered the second periodic report of Azerbaijan (CRC/C/83/Add.13) at its 1104th and 1106th meetings (see CRC/C/SR.1104 and 1106), held on 19 January 2006 and adopted the following concluding observations at the 1120th meeting, held on 27 January 2006.

### **A. Introduction**

593. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues and the constructive dialogue with a high-level delegation, which enabled the Committee to have a clear understanding of the situation of children in Azerbaijan.

### **B. Follow-up measures undertaken and progress achieved by the State party**

594. The Committee notes with appreciation the adoption of many legislative and programmatic measures taken with a view to implementing the Convention, including:

(a) The State Programme for the Protection of the Rights of the Child and Improvement of Education and Training Work with Children, of 22 July 2000;

(b) The Law "on the Earmarked State Social Aid" on 21 October 2005, which provides monthly allowances to low-income families.

595. The Committee also wishes to welcome the ratification of:

(a) The two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and pornography, on 3 August 2002;

(b) The International Convention on the Rights of All Migrant Workers and Members of Their Families, on 11 January 1999;

(c) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 30 March 2004;

(d) The 1993 Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Intercountry Adoption, on 22 June 2004;

(e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, on 30 October 2003.

### **C. Factors and difficulties affecting the implementation of the Convention**

596. The Committee notes the particular situation of the Nagorno-Karabakh region, which is within Azerbaijan territory but de facto not under control of the State party's Government, and that - as a consequence - information about the implementation of the Convention in that region is very limited.

### **D. Main subjects of concern and recommendations (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **Committee's previous recommendations**

597. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.77 of 17 June 1997) made upon the consideration of the State's first initial report (CRC/C/11/Add.8) have been addressed through legislative, administrative and other measures. However, it regrets that its other concerns and recommendations have been insufficiently or only partly addressed, particularly those related to budgetary allocations, street children, the overall health situation of children and the administration of juvenile justice.

**598. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address effectively the list of concerns contained in the present concluding observations on the second periodic report.**

#### **Legislation**

599. The Committee is concerned that many legislative measures taken with a view to complying with the principles and provisions of the Convention are not provided with adequate mechanisms and/or financial support for their full implementation.

600. **The Committee recommends that the State party continue the process of achieving compliance of its legislation with the principles and provisions of the Convention and provide all the means for an effective implementation of its legislation, including appropriate budgetary resources and monitoring mechanisms.**

### **Coordination**

601. The Committee notes that the “National Coordination Council for Children’s Affairs” within the Ministry of Youth, Sports and Tourism is tasked with coordinating functions of all the activities concerning children and welcomes the participation of about 30 representatives of non-governmental organizations (NGOs) working on children’s issues in the Council. However, it is concerned that this Council has not produced tangible results as yet. The Committee also notes the existence of the Commissions on Minors’ Affairs that are provided with some coordination and monitoring competences with respect to the local activities in the area of child welfare but is concerned about the relation between their coordinating activities and those of the “National Coordination Council for Children’s Affairs”.

602. **The Committee recommends that the State party strengthen and empower the National Coordination Council for Children’s Affairs so that it can effectively perform its mandate of coordinating all activities related to children. It further recommends that the State party provide adequate human and financial resources as well as systematic training on children’s issues to the Commissions on Minors’ Affairs so that they can coordinate and monitor activities at the local level in close cooperation with the “National Coordination Council for Children’s Affairs” and perform their other tasks effectively.**

### **National Plan of Action**

603. While noting that a new United Nations Children’s Fund (UNICEF) country programme 2005-2009 has been signed by the State party and that in 1999 the Plan of Action for the implementation of Youth Policy was also signed, the Committee is concerned that a comprehensive and well-structured strategy for the implementation of the Convention is still lacking in practice.

604. **The Committee recommends that the State party develop and implement a comprehensive and well-structured National Plan of Action for children, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the outcome document “A World Fit for Children” adopted by the General Assembly special session in May 2002. The Committee further recommends that the State party allocate adequate human and financial resources for the implementation of the National Plan of Action.**

### **Independent monitoring**

605. The Committee welcomes the establishment, in 2001, of the Ombudsman of the Republic of Azerbaijan but is concerned that a specialized body responsible for monitoring the implementation of the Convention is de facto still lacking.

606. **The Committee recommends that the State party, taking into account the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), include within the Office of the Ombudsman either an identifiable commissioner specifically responsible for children's rights or a specific section or division responsible for children's rights. Furthermore, it should be provided with adequate human and financial resources, deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention.**

#### **Resources for children**

607. The Committee reiterates its previous concern about the inadequate budget allocations for children and for the implementation of the principles and provisions of the Convention. The Committee also notes that child rights issues were well reflected in the State party's Poverty Reduction Strategy Paper (PRSP) but that this has not resulted in adequate provisions being established in the national budget.

608. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation".**

#### **Data collection**

609. The Committee notes with concern that the compilation of statistics on children suffers from a lack of coordination and regular collection, especially with regard to most vulnerable groups of children, i.e. disabled children, internally displaced persons (IDP) and refugee children as well as children in conflict with the law.

610. **The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation, inter alia, by those groups in need of special protection.**

#### **Training/dissemination of the Convention**

611. The Committee welcomes the information that the Convention has been translated into Azeri and widely disseminated.

612. **The Committee encourages the State party to disseminate the Convention further with special attention to dissemination among vulnerable groups, i.e. ethnic or language minorities, and to continue its efforts to provide adequate and systematic training and sensitization on children's rights among professional groups, including the media, that are working with and for children.**

### **Cooperation with civil society**

613. The Committee notes that the number of registered NGOs, including NGOs working directly with children, has considerably increased in the last few years. It welcomes the information that the registration formalities have been simplified, allowing for a smoother registration process. The Committee also notes the existence of the Country Advisory Group, which has the aim of bridging together local and international NGOs with government bodies working for children, but is concerned that its functioning is not effective.

**614. The Committee recommends that the State party further reduce the administrative burdens for NGOs registration, strengthen cooperation with them and provide the Country Advisory Group with the necessary support and resources for an effective functioning.**

## **2. General principles** **(arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

615. The Committee is concerned about discriminatory attitudes towards certain groups of children such as disabled children, refugee and IDPs children, street children and children infected with HIV/AIDS.

**616. In accordance with article 2 of the Convention, the Committee recommends that the State party increase its efforts to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups throughout the country.**

617. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 on article 29 (1) of the Convention (aims of education).

### **Best interests of the child**

618. While the Committee notes that the principle of the best interests of the child is included in the State party's legislation, it is concerned that it is not always implemented in practice, in particular for children belonging to vulnerable groups.

**619. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

**Respect for the views of the child**

620. While the Committee notes that the Family Code (article 52) protects the right of the child to express her/his views and that it is mandatory to hear the views of children when they are 10 or older in judicial and administrative proceedings affecting them, it is concerned about the inadequate implementation of this right. The Committee is further concerned that there are no special programmes or mechanisms allowing for the participation and engagement of children in social dialogue and in discussions of their needs and problems.

621. **The Committee recommends that further efforts be made to ensure the implementation of the rights enshrined in article 12 of the Convention, in particular by providing the child with an effective and child-sensitive opportunity to express her/his views in judicial and administrative proceedings affecting her/him, including in decisions on placements in alternative care and on review of these placements. Furthermore, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies and in society at large, with special attention to vulnerable and minority groups, inter alia, by providing the necessary support to relevant programmes included in the UNICEF country programme 2005-2009.**

**3. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

**Birth registration**

622. The Committee welcomes the State party's efforts to improve birth registration, including the decentralizing of the registration services, but it remains concerned that the current birth registration system does not cover about 15 per cent of children. The Committee is further concerned about the information that some birth certificates may contain false data.

623. **The Committee recommends that the State party continue developing and implementing an effective decentralized system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010. The Committee further recommends that the State party control the accuracy of birth certificates and ensure the implementation of the applicable law in this respect.**

**Access to appropriate information**

624. The Committee expresses concern about the lack of legislation regarding Internet service providers and the exposure of children to violence, racism and pornography, especially through the Internet.

625. **The Committee recommends that the State party continue to take all appropriate measures, including the adoption of appropriate legislation, to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video**



**movies, games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means for raising awareness among both children and parents on information and material injurious to the well-being of children.**

#### **Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

626. The Committee is concerned about the information that persons below 18 are often subjected to ill-treatment, especially at the moment of arrest or during the first days of pretrial detention in police establishments, and that children in institutions often are victims of inhuman and degrading treatment or punishment.

627. **The Committee recommends that the State party take all necessary measures to prevent and prohibit all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings, with special attention to the administration of juvenile justice and alternative care institutions. The Committee further recommends that the State party investigate thoroughly all allegations of torture and ill-treatment and ensure that perpetrators are rapidly brought to justice and tried. The Committee also encourages the State party to provide adequate rehabilitation and recovery programmes for victims of such abuses.**

#### **4. Family environment and alternative care (arts. 5; 18 (para. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

##### **Parental responsibilities**

628. The Committee is concerned about the insufficient support for disadvantaged families and the fact that, as a result, children are often unnecessarily separated from their parents. The Committee is further concerned that, despite good initiatives such as the “SOS Kinder” children’s village in Baku, kindergartens are decreasing in number and do not meet the appropriate standards, including with respect to sanitary and hygienic norms.

629. **The Committee recommends that the State party provide adequate support to disadvantaged families, including counselling and educational service, and ensure that separation of children from their parents only takes place if necessary, in their best interest and on precise legal grounds. Furthermore, the Committee recommends that the State party increase the number and quality of childcare services, including kindergartens.**

##### **Alternative care for children**

630. The Committee welcomes the introduction of foster care through the 2000 Family Code as well as the elaboration of the State Programme on De-Institutionalization and Alternative Care, but it is concerned about the high number of children placed in institutions, (about 20,000). It is also concerned that, due to the lack of community-based social services in Azerbaijan, institutionalization is too often the only available solution to children from vulnerable families. Furthermore, the Committee is concerned that:

- (a) The de-institutionalization process is very slow;

(b) The conditions for appropriate protection, care and education of institutionalized children are not met in the State party's institutions;

(c) National legislation does not contain any provision concerning the periodic review of placement for children;

(d) When children are placed in institutions they seldom maintain contacts with their parents and are not always informed of their parents' whereabouts;

(e) Children without parental care often become victims of various forms of exploitation.

**631. The Committee recommends that the State party adopt and fully implement the State Programme on De-Institutionalization and Alternative Care and promote measures alternative to institutionalization. The Committee further recommends that the State party take all necessary measures to ensure that children in institutions enjoy all rights of the Convention and in particular receive appropriate protection, education and health care, maintain contact with their families and that their placement in institution is subject to periodic review with a view to returning them to their families of origin or to placing them in family-type forms of alternative care.**

#### **Violence, abuse, neglect and maltreatment**

632. The Committee is concerned that neglect and abuse of children within families, including sexual abuse, continues to be a problem. Furthermore, the Committee is concerned that:

(a) The legislative framework for the prohibition of child abuse is inadequate;

(b) Services are inadequate to provide an integrated and multi-disciplinary approach to child victims of abuses;

(c) The existing complaint procedure (appeal to the Commissioners on Minors Affairs) is ineffective.

**633. In light of article 19 of the Convention, the Committee recommends that the State party:**

(a) **Undertake a comprehensive study on violence against children, including sexual abuse, in order to assess the extent, causes, scope and nature of these violations;**

(b) **Strengthen awareness-raising and education campaigns against violence with the involvement of children;**

(c) **Strengthen measures to encourage reporting of instances of child abuse in all institutions - including orphanages, psychiatric hospitals, schools and juvenile detention centres - and to prosecute the authors of these acts;**

(d) **Provide care and assistance for the full physical and psychological recovery and social reintegration for children victims of violence.**

634. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

### **Corporal punishment**

635. The Committee expresses concern that corporal punishment, while prohibited in schools and in the penal system, remains lawful at home and it is still widely practiced in the society as an accepted measure of discipline.

636. The Committee recommends that the State party introduce and fully implement legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness-raising and public education campaigns promoting non-violent, participatory forms of child-rearing and education.

## **5. Basic health and welfare**

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3 of the Convention)

### **Children with disabilities**

637. While the Committee notes the measures taken by the State party in this regard, including the adoption of the Persons with Special Health Needs Act, it is concerned about the inadequate assistance for children in need of special care and at stereotyping and social segregation of children with disabilities also due to the lack of an adequate legislation granting equal rights to them.

638. The Committee is also concerned that children with disabilities do not have access to the mainstream education service and that a strong medical approach to this problem does not facilitate their inclusion.

639. The Committee recommends that the State party:

(a) Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 20 December 1993;

(b) Ensure that children with disabilities may exercise their right to education and facilitate inclusion in the mainstream education system;

(c) **Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

(d) **Pursue efforts to avoid the marginalization and exclusion of children with disabilities.**

#### **Health and health-care services**

640. The Committee, while noting the State party's efforts in the area of health, expresses concern at:

(a) The inadequate access to and quality of health services in the State party, especially for economically disadvantaged families, refugees and IDPs;

(b) The high rate of infant, child and maternal mortality in the State party, especially in rural areas of the country;

(c) Weaknesses in the death registration system with respect to children.

641. **The Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:**

(a) **Strengthening its efforts to reform the primary health-care system in order to create a model of family-based primary health, including health promotion and disease prevention that is available to all;**

(b) **Urgently addressing the issue of infant, child and maternal mortality throughout the country;**

(c) **Ensuring full implementation of World Health Organization (WHO) standards on registration of infant mortality;**

(d) **Seeking technical assistance, among others, from UNICEF and WHO in this regard.**

#### **Adolescent health**

642. The Committee is concerned by the significant number of children smoking and regularly consuming alcohol and illegal drugs as well as by the high incidence of sexually transmitted diseases (STDs) among youth.

643. **The Committee recommends that the State party, taking into account the Committee's general comment on Adolescent Health (2003), strengthen measures to address the spread of STDs among youth and further work on its health promotion programmes for adolescents, which should target, inter alia, nutrition, smoking and alcohol and promotion of a healthy life-style among children.**

644. The Committee expresses concern at the information that the suicide rate among adolescents is growing.

**645. The Committee recommends that the State party strengthen its efforts at youth suicide prevention, with particular focus on the expansion of mental health services for adolescents.**

### **Standard of living**

646. The Committee is concerned that poor living conditions, which affect many families, seriously limit children's full enjoyment of their rights. The Committee is also concerned that over 40 per cent of the population lack access to potable water, including the vast majority of refugees and IDPs.

**647. The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including the implementation of the Poverty Reduction Strategy Paper (PRSP) and targeted programmes with regard to the most needy group of families in order to guarantee the right of all children to an adequate standard of living. In particular, the Committee recommends that the State party ensure universal access to sanitation and potable water.**

### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

648. The Committee welcomes the information that 96 per cent of the over-15 population is literate and recognizes the progress made with regard to the implementation of the right to education of IDPs and refugee children. However, it is concerned that:

- (a) The quality of education is decreasing due to various factors, including shortage of textbooks, unsatisfactory conditions or lack of infrastructures and low motivation of teachers;
- (b) The preschool enrolment rate of children has dropped in recent years;
- (c) The number of children not enrolled in school is growing;
- (d) There are often hidden costs associated with schooling;
- (e) Access to education is difficult for children living in poverty, refugee and IDPs children, children with disabilities, children in conflict with the law and children living in rural and remote areas;
- (f) Students with some chronic diseases including asthma, anaemia, hepatitis, skin diseases and HIV/AIDS can be excluded from mainstream schooling because of their health problems.

649. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the Aims of Education (2001), take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented. In particular, the State party should:

(a) Take the necessary measures to improve the quality of education, including by improving infrastructures and ensuring that schools are adequately equipped;

(b) Provide quality training for teachers, address the issue of teachers' salaries and expand recruitment of qualified ones;

(c) Increase its efforts to eliminate any additional and hidden costs of school attendance;

(d) Take measures aimed at increasing enrolment rates and school attendance, including in preschool;

(e) Facilitate education opportunities for children living with HIV/AIDS and review, as a matter of urgency, programmes and policies excluding children with HIV/AIDS or other chronic diseases from mainstream education;

(f) Ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration;

(g) Introduce and fully implement targeted programmes for children from poor families and marginalized groups;

(h) Strengthen its efforts to include human rights in general, and the rights of the child in particular, into the school curricula and introduce provisions into the new Law on Education in this respect;

(i) Increase availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market;

(j) Seek further assistance from, inter alia, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

#### **7. Special protection measures**

(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

#### **Refugee and displaced children**

650. The Committee notes with appreciation that Azerbaijan provides protection to refugees, including refugee children of Chechen ethnicity from the Russian Federation. Nonetheless, the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things.

**651. The Committee recommends that the State party, taking into account the Committee's 2005 general comment on the treatment of unaccompanied and separated children outside their country of origin:**

**(a) Address the special needs and rights of displaced and refugee children in the State party, and in particular strengthen its efforts to ensure adequate housing and access to essential services;**

**(b) Establish child-sensitive procedures for processing cases of unaccompanied minors;**

**(c) Continue to seek technical cooperation from the United Nations High Commissioner for Refugees (UNHCR) in this regard.**

### **Economic exploitation**

652. The Committee is concerned about the high number of children working in the State party, especially in rural areas, and that the regulations protecting children from exploitative and hazardous work are not consistently applied and respected.

**653. The Committee recommends that the State party:**

**(a) Undertake a comprehensive survey of the number, composition and characteristics of working children in order to design and implement a comprehensive strategy to prevent and combat their exploitation;**

**(b) Ensure the full implementation of legislation covering article 32 of the Convention as well as ILO Conventions No. 138 and No. 182, including the prevention of the worst forms of child labour;**

**(c) Seek assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF in this regard.**

### **Street children**

654. While the Committee notes the existence of two "Child Reception-Transit Centres" intended to host, inter alia, street children, it is concerned about the growing number of street children in the State party, who are also often victims of exploitation, ill-treatment and abuse. Furthermore, the Committee is concerned about the lack of recovery, medical treatment, social integration or educational programmes for street children.

**655. The Committee recommends that the State party:**

**(a) Undertake a study on the root causes and extent of this phenomenon and establish a comprehensive strategy to prevent it and reduce the number of street children;**

**(b) Provide street children with adequate nutrition, clothing, housing and educational opportunities, including vocational and life-skill training, in order to support their development and prevent their exploitation;**

**(c) Promote and implement programmes aimed at their physical and psychological recovery and social reintegration;**

**(d) Facilitate, whenever possible, reunification with their families;**

**(e) Implement effectively the National Plan on Street and Neglected Children.**

### **Sexual exploitation and trafficking**

656. While the Committee welcomes the approval of a National Plan of Action to Combat Trafficking in Persons in May 2004, it is concerned about the limited data about sexual exploitation and that national legislation does not specifically criminalize trafficking. Serious concern is also expressed about the fact that Azerbaijan's territory is increasingly used by an international network of trafficking of persons, especially children and women.

**657. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by:**

**(a) Introducing the necessary changes of the criminal and other relevant laws with a view to bringing them into full compliance with articles 34 and 35 of the Convention as well as with the Optional Protocol on the sale of children, child prostitution and pornography;**

**(b) Undertaking studies to assess the nature and magnitude of the problem;**

**(c) Providing adequate and systematic training to all professional groups concerned;**

**(d) Launching awareness-raising and prevention campaigns targeting in particular children and parents;**

**(e) Considering ratifying the European Convention on Action Against Trafficking;**

**(f) Seeking assistance from UNICEF, among others.**

### **Administration of juvenile justice**

658. The Committee welcomes the reform of the Criminal and Criminal Procedure Codes following the consideration of the State party's initial report and the existence of a Special Working Group for the implementation of a long-term programme elaborated by the NGO



Alliance and the Organization for Co-operation and Security in Europe (OSCE) for the development of a juvenile justice system in line with the Convention. However, the Committee remains concerned that:

- (a) There is no integrated and well defined juvenile justice system in Azerbaijan;
- (b) Persons below 18 are often tried as adults;
- (c) Persons below 18 are often held in pretrial detention for long periods and not always detained separately from adults;
- (d) Alternatives to the deprivation of liberty are not sufficiently used and persons below 18 can be sentenced to detention for a period of up to 10 years;
- (e) The conditions of detention are often poor and inadequate and overcrowding is a serious problem;
- (f) Recovery, assistance and reintegration services for persons below 18 in conflict with the law are insufficient.

**659. The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, para. 203-238). In this regard, the Committee recommends that the State party:**

- (a) Establish juvenile courts staffed with appropriately trained professional personnel;**
- (b) Take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time, in particular by developing and implementing alternatives to custodial sentences;**
- (c) Ensure that persons below 18 in custody are separated from adults as required under article 72.1 of the Penal Enforcement Code;**
- (d) Take urgent steps to improve substantially the conditions of detention of persons below 18 and bring them into full conformity with international standards;**
- (e) Provide that persons below 18 deprived of liberty are given a full programme of educational activities (including physical education);**

(f) **Train professionals in the area of recovery and social reintegration of children and establish special units within the police for the handling of cases of persons below 18 in conflict with the law;**

(g) **Seek technical assistance from the Inter-Agency Coordination Panel on Juvenile Justice and/or the United Nations Office on Drugs and Crime (UNODC), UNICEF and OHCHR among others.**

## **8. Follow-up and dissemination**

### **Follow-up**

660. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet of Ministers, the Parliament and to municipal Governments and Parliaments when applicable for appropriate consideration and further action.**

### **Dissemination**

661. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **9. Next report**

662. **The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 11 September 2009. This report should combine the third and fourth periodic report and should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years as foreseen by the Convention.**

## **Concluding observations: Mauritius**

### **A. Introduction**

663. **The Committee considered the second periodic report of the Republic of Mauritius (CRC/C/65/Add.35) at its 1105th and 1107th meetings (see CRC/C/SR.1105 and 1107), held on 19 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.**

664. **The Committee welcomes the submission of the second periodic report as well as the detailed written replies to its list of issues (CRC/C/MUS/Q/2), which gave a clear understanding of the situation of children in the State party.**

665. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

**B. Follow-up measures undertaken and progress achieved by the State party**

666. The Committee notes with appreciation the efforts made by the State party in the field of law reform and in particular the adoption of the following legislation:

(a) The Protection of the Child (Miscellaneous Provisions) Act 1998 which amended the Child Protection Act 1994 together with 23 pieces of legislation;

(b) The Criminal Code (Amendment) Act of 2003 which introduced into criminal law the offence of torture to give effects to article 2 of the CAT;

(c) The Protection from Domestic Violence (Amendment) Act in 2004 to cover all cases of domestic violence;

(d) The Sex Discrimination Act of 2002;

(e) The Computer Misuse and Cyber Crime Act of 2003 which makes child pornography a criminal offence;

(f) The Civil Status (Amendment) Act in 2004; and

(g) The National Children's Council (Amendment) Act in 2005 which created the Rodrigues Children's Council.

667. The Committee welcomes the ratifications of or accession to the following international human rights instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 2005;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2003;

(c) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in June 2000;

(d) The Rome Statute of the International Criminal Court in 2002; and

(e) The Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption in 1998.

## **C. Principal areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **Committee's previous recommendations**

668. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.64 of October 1996) made upon the consideration of the State party's initial report (CRC/C/65/Add.35) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, reservations, insufficient facilities for the rehabilitation of child victims of abuse and inadequate research on critical areas concerning children have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

**669. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the next periodic report.**

#### **Reservations**

670. The Committee notes the fact that the reservation made on article 22 of the Convention has not yet been withdrawn. However, the Committee is encouraged by the information provided by the delegation that the State party is committed to withdrawing its reservation to article 22 of the Convention.

**671. The Committee reiterates its previous recommendation that the State party undertake all the necessary measures to withdraw its reservation to article 22 of the Convention, in accordance with the Vienna Declaration and Plan of Action of 1993.**

#### **Legislation**

672. The Committee notes with appreciation the various measures undertaken by the State party to amend existing laws and introduce new laws to ensure compliance with the CRC. However, the Committee remains concerned about the fact that some of the legislation does not conform to the principles and provisions of the Convention, including in the area of adoption and juvenile justice.

**673. The Committee recommends that the State party strengthen its efforts to continue reviewing its legislation with the aim of ensuring full compliance with the principles and provisions of the Convention. Furthermore, the Committee encourages the State party to consider enacting a comprehensive Children's Act to consolidate the various pieces of legislation covering all aspects of child rights.**

## **Coordination**

674. While noting the role of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, the Committee is concerned about the fact that coordination between the different government departments and institutions dealing with children's rights is insufficient.

**675. The Committee recommends that the State party further strengthen the coordination between the various bodies and institutions at all levels and pay particular attention to the various regions of the State party.**

## **National Plan of Action**

676. The Committee notes with appreciation the process of reviewing the Children's Policy as well as the National Plan of Action (NPA) proposed in 2003 and 2004 with focus on Early Childhood Care and Development and Parental Empowerment Programme. The Committee also notes that this NPA will include an effective monitoring mechanism on the provisions of the Convention.

**677. The Committee recommends that the State party implement a comprehensive National Plan of Action (NPA), covering all areas of the Convention and incorporating the objectives and goals of "A world fit for children", the outcome document of the special session of the General Assembly on children in 2002. In this regard the Committee recommends that the State party involve the Ombudsperson for the Children's Office and civil society in the revision and implementation of this NPA.**

## **Independent monitoring**

678. The Committee welcomes the establishment of the National Human Rights Commission (NHRC) in 2001 as well as the Ombudsperson for Children's Office (OCO) in December 2003. While acknowledging the valuable work of the OCO in the area of investigations and awareness-raising, the Committee is concerned about the limited human and financial resources allocated for its effective functioning. It is further concerned that staff of OCO are seconded from other government departments, hence limiting its total independence.

**679. The Committee recommends that the State party ensure that adequate human and financial resources be allocated to the Ombudsperson for Children's Office. The Committee also recommends that the State party strengthen the OCO by allowing it to recruit qualified and trained staff. It further recommends that the OCO be systematically included in the review of any laws and policies pertaining to children.**

## **Resources for children**

680. While noting the positive economic development in the State party, the Committee is concerned that the resources allocated for the implementation of child rights are insufficient. In this respect it is further concerned about disparities between urban and rural developments as well as among the different islands.

681. **With the view to strengthen its implementation of article 4 of the Convention and in light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations paying special attention to regional disparities in order to ensure the implementation of the rights of children to the maximum extent of available resources and where possible, within the framework of international cooperation and using a rights-based approach.**

#### **Data collection**

682. While appreciating the data provided by the State party in its report as well as in the written replies, the Committee expresses its concern at the lack of qualitative and quantitative data disaggregated by sex, age and region in some areas of the Convention.

683. **The Committee recommends that the State party strengthen its system of data collection and indicators which cover the provisions of the Convention, disaggregated by sex, age and region and with specific emphasis on those who are particularly vulnerable, including children living in poverty and children with disabilities. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention.**

#### **Training/dissemination of the Convention**

684. The Committee notes with appreciation the efforts made by the State party and in particular by the Ombudsperson for Children's Office in disseminating the Convention. Nevertheless, the Committee is concerned about the limited awareness-raising and dissemination of the Convention among children and adults, especially in Rodrigues and Agalega.

685. **The Committee recommends that the State party strengthen and systematize its human rights training programmes, including the principles and provisions of the Convention, for all professional groups working with and for children such as judges, lawyers, law enforcement officials, traditional and religious leaders, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, particular attention should be paid to Rodrigues and Agalega.**

#### **Cooperation with civil society**

686. While appreciating the State party's efforts to strengthen cooperation with NGOs, the Committee is concerned that the State party has relinquished some of its responsibilities and duties with regard to the implementation of some provisions of the Convention to NGOs without providing them with adequate resources, policies and guidelines.

687. **The Committee reiterates the State party's primary obligation with regard to the implementation of the Convention and recommends that the State party continue its efforts to strengthen cooperation with NGOs and to involve them systematically at all stages in the implementation of the Convention as well as in policy formulation. The Committee recommends that the State party provide NGOs with adequate financial and other**

resources to enable them to discharge governmental responsibilities and duties with regard to the implementation of the Convention. The Committee refers the State party to its recommendations arising from the day of general discussion held in 2002 on the theme “The private sector as service providers and its role in implementing child rights” (CRC/C/121, para. 630).

## **2. General principles** **(arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

688. While appreciating that several measures have been introduced to support vulnerable groups, the Committee expresses its concern at the fact that discrimination against certain groups of children still exists in practice, particularly with regard to children with disabilities, children affected and/or infected by HIV/AIDS, children from disadvantaged families and girls.

689. **The Committee recommends that the State party undertake all necessary measures to eliminate de facto discrimination in full compliance with article 2 of the Convention.**

690. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa in 2001 and taking account of general comment No. 1 (2001) on the aims of education.**

### **Best interests of the child**

691. The Committee notes that although the principle of the best interests of the child is not specifically stated in the Constitution, various national laws provide for the best interests of the child. However, the Committee is concerned that this principle is not fully applied and duly integrated in the implementation of the policies and programmes of the State party or in administrative and judicial decisions for instance in cases of custody and visitation rights.

692. **The Committee recommends that the principle of the best interests of the child enshrined in article 3 be systematically implemented in judicial and administrative decisions as well as in programmes, projects and services with regard to children in various situations.**

### **Respect for the views of the child**

693. While noting with appreciation the efforts made by the State party in order to implement the principle of respect for the views of the child, the Committee is concerned that the views of the child are not systematically taken into account, such as in school settings and in policy development.

694. **In light of article 12 of the Convention, the Committee recommends that the State party continue and strengthen its actions to promote the rights of the child to express his/her views fully in all matters affecting him/her, including within the school, in the media, the courts, administrative bodies and in society in general.**

**3. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

**Birth registration**

695. The Committee notes with appreciation the initiatives undertaken by the State party to deal with tardy declaration of births and unregistered children, including the establishment of a high level Committee chaired by the Attorney-General and the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection in August 2005. It also notes the creation of a hotline operating on a 24-hour basis through which tardy declarations can be made. However, the Committee also notes that the procedures regarding late registration are still complex and very long.

696. **The Committee encourages the State party to continue its initiatives to ensure that cases of tardy declarations are dealt with in a more expeditious manner.**

**Right to privacy**

697. The Committee shares the State party's concern that the privacy of children who have been victims of abuse or in conflict with the law is not always respected by the press, as certain newspapers continue to report cases in a manner that makes it easy to identify the child, publish their photograph and names or make the child relate the details of the abuse. The Committee also notes that there is no legislation to ensure children's privacy by the media.

698. **The Committee recommends that the State party take all necessary legislative measures to fully protect the right of the child to privacy and to support the initiatives of the Ombudsperson for Children in this domain, including the proposals of drafting a Code of Ethics. In addition, the Committee recommends that the State party provide trainings on the principles and provisions of the Convention to chief editors and journalists.**

**Corporal punishment**

699. While noting that corporal punishment is prohibited in schools through the Education Regulations of 1957, the Committee remains concerned that corporal punishment is not explicitly forbidden by law in the family and in all settings, including in alternative care settings.

700. **The Committee reiterates its previous concluding observations (CRC/C/15/Add.64, para. 31) and urges the State party to prohibit through legislation and other measures corporal punishment of children in the family, in schools, in penal institutions and in alternative care settings. The Committee further recommends that the State party conduct awareness-raising campaigns among adults and children, the promotion of non-violent, positive, participatory methods of child-rearing and education.**



**4. Family environment and alternative care  
(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25;  
27 (para. 4); and 39 of the Convention)**

**Illicit transfer and non-return**

701. While noting the ratification and subsequent domestication by the State party of the Hague Convention on Civil Aspects of International Child Abduction, the Committee is nevertheless concerned about the slow pace of the State party's formal recognition of other countries as parties to the Convention when they have acceded to it, which hampers the effective implementation of the Convention in case of international abduction of children.

**702. The Committee recommends that the State party formally recognize every other State which has acceded to the same Hague Convention as party to that Convention in order to provide immediate and effective protection for abducted children in accordance with the Hague Convention and with articles 11 and 3 of the Convention on the Rights of the Child.**

**Separation from parents**

703. The Committee is concerned that, according to the Juvenile Offenders Act, a parent or guardian can request a court to place a child in an institution on the basis of a simple oath that the child is a "child beyond control".

**704. The Committee recommends that the State party, in light of the ongoing reforms of the juvenile justice system, ensure full compliance with the principles and provisions of the CRC. The Committee further recommends that the State party abolish the possibility for parents to place a child in an institution on the basis of an oath before a juvenile court. The Committee also recommends that the State party provide families who have difficulties in the upbringing of children with necessary support and counselling services.**

**Periodic review of placement**

705. The Committee notes with concern that few institutions undertake a regular review of children placed there. The Committee is further concerned that psychological review is only taken when it is evident that the child's behaviour has changed.

**706. The Committee recommends that the State party adopt a comprehensive mechanism of periodic review of children placed in institutions.**

**Adoption**

707. The Committee is concerned about the lack of a specific requirement to have a social report to assist judges in their decisions that adoption is in the best interests of the child. The Committee is further concerned about the lack of a follow-up system.

708. **The Committee recommends that the State party take legislative measures to ensure that in cases of adoption the decision of the judge is supported by relevant information regarding both the child and the adopting parents in order to ensure that adoption is in the best interests of the child.**

#### **Child abuse, violence and neglect**

709. The Committee is concerned about the incidence of child abuse and neglect, including sexual abuse in the State party. Furthermore, the Committee is concerned about the lack of specialized and comprehensive units with specialized personnel to care for the recovery, rehabilitation and reintegration of abused children. In addition, the Committee is concerned about the lack of alternative homes for children, particularly girls who may be forced to go back to the same homes where the abusers live.

710. **The Committee recommends that the State party:**

- (a) Provide facilities for the care, recovery and reintegration for child victims of violence;**
- (b) Ensure that the child victim's privacy is protected in legal proceedings; and**
- (c) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of violence and abuse, using a multidisciplinary and multisectoral approach.**

711. **In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the subregional consultation for Indian Ocean Island States held in Madagascar from 25 to 27 April 2005 and Regional Consultation for Eastern and Southern Africa held in South Africa from 18 to 20 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

#### **5. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

#### **Children with disabilities**

712. The Committee notes the progress made by the State party, especially in codifying the Mauritian sign language and in launching a dictionary of such language. However, it remains concerned about the low proportion of children with disabilities attending schools, particularly due to the poor accessibility to schools most of which are located in the urban areas. It is further concerned about the reluctance of schools to admit children with disabilities as this is perceived to slow down teaching. The Committee is also concerned that the Constitution does not provide for protection from discrimination on the ground of disability.

713. **The Committee recommends that the State party, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their fullest possible social integration. The Committee also recommends that the State party:**

- (a) Collect adequate statistical data on children with disabilities, allowing for disaggregated analysis of the problems facing such children;**
- (b) Establish a national system of early detection, referral and intervention; and**
- (c) Seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of parents and professional staff working with and for children.**

#### **Health and health services**

714. Notwithstanding the various measures undertaken by the State party to develop health-care services, antenatal and post-natal care and make them accessible for free to all, the Committee remains concerned about:

- (a) Regional disparities in accessibility to health services;
- (b) High infant mortality rates;
- (c) Infant and maternal malnutrition;
- (d) The sharp decrease in breastfeeding; and
- (e) Limited access to clean and safe drinking water in Rodrigues.

715. **The Committee recommends that the State party:**

- (a) Prioritize the allocations of financial and human resources to the health sector in order to ensure equal access to quality health care by children in all areas of the country;**
- (b) Continue its efforts to improve prenatal care, including training programmes for midwives and traditional birth attendants, and take all necessary measures to reduce infant mortality rates, especially in rural areas;**
- (c) Improve the nutritional status of infants, children and mothers;**

**(d) Ensure access to safe drinking water and sanitation in all areas of the country and particularly in Rodrigues; and**

**(e) Encourage exclusive breastfeeding for at least six months after birth with the addition of an appropriate infant diet thereafter.**

#### **Adolescent health**

716. The Committee is concerned about the high rate of teenage pregnancies and the limited access to reproductive health services for adolescents.

**717. The Committee recommends that the State party, taking into account its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4):**

**(a) Strengthen its efforts to ensure access to reproductive health services for all adolescents;**

**(b) Incorporate reproductive health education in the school curriculum;**

**(c) Conduct awareness-raising campaigns among adolescents to inform them about their reproductive health rights and the prevention of STDs, HIV/AIDS, and early pregnancies; and**

**(d) Provide particular support to pregnant teenagers, including through community structures and social security benefits and ensure their completion of education.**

#### **HIV/AIDS**

718. The Committee welcomes the adoption of the National Strategic HIV/AIDS Action Plan 2001-2005 and the provision of anti-retroviral drugs to pregnant women free of charge to reduce the mother-to-child transmission. Nevertheless, the Committee is concerned about the lack of awareness about HIV/AIDS which leads to fear and discriminatory attitudes against those infected or affected.

**719. The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies, taking into account its general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).**

#### **Standard of living**

720. The Committee is concerned about the incidence of poverty and significant regional disparities, with a higher incidence of poverty in Rodrigues. While appreciating the efforts made by the State party towards poverty alleviation, there is no significant improvement of the living conditions of vulnerable groups particularly with regard to access to adequate housing, education and health-care facilities.

**721. The Committee recommends that the State party strengthen its efforts to ensure that the needs of all children are met, in particular those from socially disadvantaged families and those living in remote areas, so that they do not live in poverty and their rights to adequate housing, education and health are respected.**

**6. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

722. The Committee acknowledges the remarkable improvement made in the field of education, including the ongoing reforms of the education system. The Committee welcomes the introduction of the Zone Education Prioritaire (ZEP) as an affirmative action measure to reduce disparities in the educational achievement of children. However, the Committee is concerned that the proposed reform may introduce an element of unfair classification in accessing the national secondary schools based upon a high cut-off mark. It is also concerned that English as the official language of instruction in schools is not supplemented by educational materials in Creole. In addition, the Committee expresses its concern at the lack of human rights education in the school curriculum.

**723. The Committee recommends that the State party:**

**(a) Ensure that the proposed reforms secure access to free and compulsory secondary education for all children regardless of their social status and ethnic background;**

**(b) Develop a policy regarding the use of Creole in the Early Childhood Development (ECD) stage and at primary levels; and**

**(c) Introduce human rights education, including the principles and provisions of the Convention on the Rights of the Child, in the school curriculum.**

**7. Special protection measures  
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Drug abuse**

724. While noting the establishment of the Natreasa (National Agency for the Treatment and Rehabilitation of Substance Abusers) to coordinate all actions by the various NGOs to prevent and combat drug abuse by children, the Committee remains nevertheless concerned that a high number of children are still victims of drug abuse.

**725. The Committee recommends that the State party continue and strengthen its efforts in combating drug abuse by children and in particular to strengthen its awareness campaigns, prevention measures and programmes for recovery and social reintegration.**

**Sexual exploitation**

726. The Committee welcomes the adoption of the National Plan of Action on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (2003-2004). It is also encouraged by the information that a Drop-in Centre will finally become

operational on a residential basis to cater for rehabilitative needs of child victims of commercial sexual exploitation. However, the Committee remains alarmed at the high number of children involved in commercial sexual exploitation.

**727. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen the implementation of policies and programmes for the prevention, recovery and reintegration of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congress against Commercial Sexual Exploitation of Children.**

### **Juvenile justice**

728. The Committee welcomes the information that the juvenile justice system will be reviewed, but remains concerned about the lack of a clear legal provision for the minimum age of criminal responsibility. The Committee is furthermore concerned about the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.

**729. The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular article 37 (b), article 40 and 39 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and taking into account the recommendations of its day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:**

**(a) Establish by law a minimum age of criminal responsibility set at an internationally acceptable level;**

**(b) Increase availability and accessibility of alternative measures for child offenders using probation services;**

**(c) Take all necessary measures, in addition to the ones listed in (b), to limit the de facto use of deprivation of liberty, and ensure that it is genuinely used only as a last resort; and**

**(d) Regularly conduct training programmes concerning relevant international standards for all professionals involved with the system of juvenile justice.**

### **8. Optional Protocols to the Convention on the Rights of the Child**

730. The Committee notes with concern that the State party has signed but not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

**731. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.**

## **9. Follow-up and dissemination**

### **Follow-up**

732. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

733. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

734. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 1 September 2012. This report should combine the third, fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third, fourth and fifth report 18 months before its due date, that is by 1 March 2011. Such a report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

## **Concluding observations: Saudi Arabia**

735. The Committee considered the second periodic report of Saudi Arabia (CRC/C/136/Add.1) at its 1112th and 1114th meetings (see CRC/C/SR.1112 and 1114) held on 24 January 2006 and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.

### **A. Introduction**

736. The Committee welcomes the submission of the State party's second periodic report, as well as the written replies to its list of issues, CRC/C/Q/SAU/2, which allowed for a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive efforts made by the high-level delegation to provide additional information in the course of the dialogue.

## **B. Follow-up measures undertaken and progress achieved by the State party**

737. The Committee welcomes:

(a) The State party's notable improvement in economic and social development, including continuous investments in the health-care infrastructure;

(b) The adoption of the National Plan of Action for Children 2005-2015 and the State party's recent efforts to promote the status and the rights of the most vulnerable population groups such as children with disabilities;

(c) A bill concerning the protection of children from abuse and neglect;

(d) The adoption, in 2002, of the Safety of Camel-Racing Regulation No. C/966 of 1/11 A.H. 1422, which prevents the use of children under the age of 18 as camel jockeys and strengthens the safety regulations of camel races; and

(e) The State party's efforts to promote open public debate on issues related to the rights of the child, including the establishment of the National Dialogue Centre in August 2003, which has held discussions on extremism, youth and women.

738. The Committee also welcomes the ratification of and accession to international instruments such as:

(a) The Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the protection of victims of non-international armed conflicts (Protocol II) in November 2001; and

(b) 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2001.

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **Committee's previous recommendations**

739. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.148) made upon the consideration of the State party's initial report (CRC/C/61/Add.2) through legislative measures and policies. However, the Committee regrets that some of the concerns it expressed and recommendations it had made regarding, inter alia, the reservations and domestic legislation, the basic principles, civil rights and freedoms and special protection, have not been sufficiently addressed.

740. **The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**



## Reservation

741. The Committee notes the information that the reservation which consists of a general reference to religious law and national law without specifying its contents, is mainly a precautionary measure and does not hamper the State party's implementation of the Convention. But the Committee reiterates its concern that the general nature of the reservation allows courts, governmental and other officials to negate many of the Convention's provisions and this raises serious concerns as to its compatibility with the object and purpose of the Convention.

**742. The Committee reiterates, in light of article 51, paragraph 2, of the Convention, its previous recommendation that the State party review the general nature of its reservation with a view to withdrawing it, or narrowing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993.**

## Legislation

743. The Committee welcomes the project of the Saudi National Commission for Childhood to prepare a comprehensive manual of all domestic legal instruments related to children with a view to amending its laws to be fully compatible with the provisions of the Convention.

**744. The Committee recommends that the State party continue its efforts to undertake a comprehensive review of its domestic laws on children, including the Basic Law, with a view to introducing all necessary amendments to its laws in order to ensure that they conform fully to the principles and provisions of the Convention.**

## Coordination

745. While taking note of the coordination activities of the Saudi National Commission for Childhood, the Committee is concerned that effective coordination has not been fully developed, including between central, regional and local authorities.

**746. The Committee recommends that the State party strengthen the existing coordination mechanism by developing coordination and evaluation at all levels of the administration, including multisectoral, vertical as well as interregional level coordination. The Committee also recommends that the State party provide all coordination mechanisms, including at the local level, with adequate human, financial and technical resources.**

## Independent monitoring

747. The Committee welcomes the establishment of the National Human Rights Association in March 2004 and takes note of its mandate to receive complaints regarding alleged human rights violations. Notwithstanding this positive step, the Committee is concerned about the fact that the National Human Rights Association has not been able to attain a fully independent status.

**748. The Committee encourages the State party to take into account the general comment No. 2 on the role of independent national human rights institutions and to continue its efforts to ensure that the National Human Rights Association is an independent**

**monitoring mechanism in accordance with the Paris Principles (General Assembly resolution 48/134, annex) for the promotion and monitoring of the implementation of the Convention as well as to receive, investigate and address complaints from individuals including children. The Committee recommends that the State party to ensure that this mechanism is provided with adequate human and financial resources and that it is easily accessible to children. The Committee also recommends that the State party continue to seek advice and assistance, among others, from the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

#### **Allocation of resources**

749. The Committee notes with appreciation the significant investment in social and health services and education but is concerned that for other areas covered by the Convention, for example, regarding special protection, the budgetary allocations are limited.

**750. The Committee recommends that the State party continue to prioritize budgetary allocations for the realization of children's rights by allocating the maximum available resources to social and health services, education and culture and to allocate more resources for the implementation of special protection measures for vulnerable groups of children. The Committee also recommends that the State party establish a systematic assessment of the impact of budgetary allocations on the implementation of the rights of the child and identify the yearly budgetary amount and proportion spent on persons under 18 years of age.**

#### **Data collection**

751. While welcoming the State party's and the United Nations Children's Fund's (UNICEF's) joint project to establish a national database on children, it expresses its concern at the insufficient data in some areas covered by the Convention, including children of non-Saudi workers (migrant workers), children with disabilities, abused and neglected children, children begging on the streets, children within the justice system and children belonging to minorities.

**752. The Committee recommends that the State party strengthen its system for collecting data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex and by those groups of children in need of special protection. The Committee recommends that the State party allocate adequate human, financial and other resources to the Social Indicators Committee in order to develop indicators to monitor effectively the progress achieved in the implementation of the Convention.**

#### **Dissemination of the Convention**

753. With regard to article 42 of the Convention, the Committee notes with appreciation the State party's efforts to disseminate the Convention, inter alia, through several programmes and activities of the Saudi National Commission for Childhood. Nevertheless, the Committee is concerned that professionals working with and for children and in particular the general public,

including children and their parents and other caregivers, are not provided with sufficient information and systematic training in international human rights standards, including the rights of the child.

**754. The Committee recommends that the State party:**

**(a) Develop systematic and targeted human rights training programmes, including the principles and provisions of the Convention, for all professional groups working with and for children (such as judges, lawyers, law enforcement officials, including religious police (known as *mutawwa*) and other religious clerics, personnel working in institutions and places of detention for children, as well as teachers, health personnel and social workers);**

**(b) Seek innovative ways and methods to disseminate the Convention, including through a tailored communication strategy which links the Convention with existing positive values and traditions in Saudi society, and raise awareness of the rights of the child, including vulnerable children, among children and their parents and civil society;**

**(c) Develop and adopt a communication strategy in order to involve the media in the dissemination of the principles and provisions of the Convention; and**

**(d) Seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF, among others, in this regard.**

#### **Cooperation with civil society**

755. While acknowledging the growing number of civil society associations for charitable purposes, the Committee is concerned about the limited number of non-governmental organizations working for human rights-based development as well as the State party's inadequate dialogue and cooperation with civil society, in particular with non-governmental organizations working for the implementation of the Convention.

**756. The Committee encourages the State party to facilitate a framework for the establishment of non-governmental organizations so that these organizations can support the State party in the promotion and implementation of the rights of the child. It recommends that the State party strengthen its efforts to promote interactive dialogue with civil society and to involve non-governmental organizations, particularly those dealing with child rights issues, in all stages of the implementation of the Convention.**

#### **International cooperation**

757. The Committee notes with satisfaction the State party's international cooperation and the support provided by Saudi civil society associations to children's welfare activities in some Muslim countries. It notes that the Saudi authorities have increased their vigilance and monitoring over this kind of cooperation in the light of reports that few charitable associations have supported religious schools (known as *madrassas*) abroad, which have spread hatred, extremism and terrorism.

758. **The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to 0.7 per cent of its GDP, as recommended by the United Nations, with special consideration of child rights focus in programmes and projects. The Committee encourages the State party to further facilitate Saudi civil society associations to work for children's rights and welfare abroad in the spirit of the Convention. It recommends that the State party continue to enhance its vigilance and monitoring in order to avoid supporting religious education abroad aiming to spread hatred, extremism and terrorism among children.**

## **2. Definition of the child (art. 1 of the Convention)**

759. The Committee takes note of the information that the age of majority is 18 in the State party but is concerned about the information given during the dialogue that a judge has the discretionary power to decide that a child has reached majority at an earlier age.

760. **The Committee recommends that the State party take the necessary legislative and other measures to unequivocally set the age of majority at 18 with no exception for specific cases, including within the juvenile justice system. The Committee further recommends that the State party clearly set by law the minimum age for marriage at the same internationally acceptable level for boys and girls.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

761. The Committee shares the concerns expressed by the Committee on the Elimination of Racial Discrimination in its concluding observations on Saudi Arabia adopted in March 2003 (CERD/C/62/CO/8) that the mere statement of the general principle of non-discrimination in domestic law is not a sufficient response to the requirements of the Convention. De jure and de facto discrimination against girls and de facto discrimination against children born out of wedlock are issues of particular concern to the Committee as well as disparities in the enjoyment of economic and social rights experienced by non-nationals' children and other vulnerable groups, such as children belonging to religious minorities.

762. **The Committee recommends that the State party review relevant domestic laws and administrative regulations in order to ensure full respect for the equality between girls and boys in the enjoyment of all rights in the Convention, and in order to ensure that children born out of wedlock, children of non-Saudi nationals (migrants) and children begging on the streets are not discriminated against. The Committee encourages the State party to further strengthen its proactive and comprehensive efforts to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, including through public education campaigns to prevent discrimination and combat negative attitudes in society. The State party should pursue such efforts in close cooperation with community and religious leaders with a view to promoting change in persisting patriarchal sociocultural traditions and attitudes, especially towards girls in particular.**

**763. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking into account the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

#### **Best interests of the child**

764. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not systematically included in laws, regulations and practices concerning children, for example regarding the status of the child, the custody decisions and in the area of alternative care.

**765. The Committee recommends that the State party fully incorporate article 3 of the Convention into all legislation and practice concerning children.**

#### **Right to life and capital punishment**

766. The Committee takes note of the information that no child is sentenced to death and that capital punishment is not passed to persons who commit a crime before they reach the age of majority (in general 18 years). Nevertheless, it is deeply concerned that judges have the discretionary power which is often when presiding over criminal cases involving children, to decide that a child has reached the age of majority at an earlier age, and that as a consequence capital punishment is imposed for offences committed by persons before they have reached the age of 18. The Committee is deeply alarmed that this is a serious violation of the fundamental rights under article 37 of the Convention.

**767. The Committee urges the State party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them into penalties in conformity with the provisions of the Convention and to abolish as a matter of the highest priority the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.**

768. The Committee expresses its grave concern at the reported tragic events of the 11 March 2002 fire at the girls' public Intermediate School No. 31 in Mecca that claimed the lives of at least 14 schoolgirls and information that the school building did not meet adequate safety standards for children.

**769. While respecting the information provided by the State party delegation that the tragic events were due to the old school building and the inadequate training of the school staff on emergency measures, the Committee recommends that the State party take all necessary measures to ensure to the maximum extent possible the survival and development of the child at all times and ensure that all school buildings and other institutions are safe for children and that all staff are regularly trained on such emergency measures.**

### **Respect for the views of the child**

770. The Committee commends the State party for its efforts to respect the right of the child to have his/her views heard, inter alia, through establishing children's councils, recreational activities and, notably, in judicial proceedings. Nevertheless, it is concerned that traditional attitudes towards children in society, in particular towards girls, limit the right to express their views and to have them taken into account, especially within the family, schools and media.

771. **In light of article 12 of the Convention, the Committee recommends that the State party continue to promote the right of children to express their views fully in all matters affecting them, including within the family, at school, in the media, the courts and administrative bodies and society in general. In this regard, the Committee recommends that the State party undertake awareness-raising campaigns and educational programmes in order to inform children and others, including parents and legal professionals, of the rights of the child to express their views and of the mechanisms and other opportunities which exist for this purpose. The Committee recommends that the State party seek assistance from the United Nations Children's Fund (UNICEF), among others.**

### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Name and nationality**

772. As regards the child's right to acquire nationality, the Committee is concerned about the discrimination against children on account of their fathers' nationality. Children of Saudi fathers acquire Saudi nationality at birth, regardless of the child's birthplace, but Saudi women cannot transmit their Saudi nationality to their children born from a relationship with a non-Saudi man or from a non-marital relationship.

773. **The Committee recommends that the State party review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction.**

#### **Freedom of religion**

774. The Committee is concerned that the right of the child to freedom of thought, conscience and religion is not fully respected and protected. The Committee is concerned about hate speech against religious minorities in schools and mosques.

775. **In light of article 14 of the Convention, the Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society.**

### **Protection from torture, inhuman or degrading treatment or punishment**

776. While noting articles 2 and 13 of the Code of Criminal Procedure promulgated in Royal Decree No. M/39 of 15 October 2001 which prohibit torture or degrading treatment and the State party's reassurance that corporal punishment is not imposed upon minors, the Committee is concerned about reports of extrajudicial and summary floggings of teenagers suspected of behaviour deemed immoral and acts of police brutality.

**777. The Committee urges the State party to take all necessary steps for the immediate abolition of extrajudicial and summary floggings of teenagers as well as other forms of cruel, inhuman or degrading punishments imposed on persons having committed a crime when under the age of 18 years, including acts of police brutality.**

### **Corporal punishment**

778. While noting with appreciation the regular circulars issued by the Ministry of Education, which prohibit the beating or ill-treatment of children during all stages of general education and prescribe penalties designed to deter teachers from committing such acts, the Committee notes with concern that corporal punishment is lawful and widely used in the home and that it is a lawful penal sanction.

**779. The Committee recommends that the State party take legislative measures to prohibit all forms of corporal punishment in all settings, including the family. It further recommends that the State party carry out public education campaigns about the negative consequences of corporal punishment on children and promote positive, non-violent forms of discipline as an alternative to corporal punishment.**

## **5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

### **Parental responsibilities**

780. The Committee welcomes the information provided by the State party that it has introduced programmes on the upbringing of children. However, it notes with concern that these programmes do not necessarily cover children born from "marriages of convenience" (known as *Mesyar*). In the light of article 18 of the Convention, the Committee recalls the importance of the family in the upbringing and development of the child.

**781. The Committee recommends that the State party continue to develop and implement programmes to raise awareness on the importance of shared parental responsibilities, including both parents' obligations to support, assist and educate their children, and to provide parents and children with adequate skills and support services in this respect. It recommends that these programmes also pay attention to children born from "marriages of convenience" (known as *Mesyar*). It also recommends that the State party conduct a study to assess early childhood development and childcare practices at the household level.**

**Institutional and alternative care**

782. While acknowledging with appreciation the *kafalah* system, the Committee is concerned that its application does not ensure the full enjoyment of all rights provided by the Convention. It is also concerned that the placement of children in institutional care is not always used as a measure of last resort.

**783. The Committee recommends that the State party continue to develop and implement legislative and other measures, policies and procedures to ensure that children receive, when necessary, adequate alternative care, preferably in their own immediate families or extended families or in *kafalah*, which fully respects the provisions of the Convention, in particular articles 20 and 21. The Committee invites the State party to strengthen the application of *kafalah* by amending the relevant laws and by introducing awareness-raising campaigns along with capacity-building measures to ensure that children within the *kafalah* system fully enjoy their rights as set out in the Convention.**

**Violence, abuse and neglect, maltreatment**

784. The Committee is encouraged by the State party's recent efforts to break the silence around child abuse issues and to prohibit and raise awareness of abuse, neglect and ill-treatment of children. It notes with appreciation a workshop on child abuse held in April 2004 with the support of the Arab Gulf Programme for United Nations Development Organizations (AGFUND), the United Nations Children's Fund (UNICEF) and the Arab Bureau of Education for Gulf States and the subsequent Royal Decision of the King Fahad Bin Abdul Aziz requesting the General Secretariat of the Saudi National Commission for Childhood to form a mechanism to end child abuse. It also notes with appreciation the information provided by the State party delegation on the national toll-free helpline for children. Nevertheless, the Committee is deeply concerned that there is insufficient information about and awareness of the abuse and ill-treatment of children within the family. The Committee notes with concern that reportedly domestic violence remains a serious problem in the State party.

**785. The Committee urges the State party to:**

**(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children and design a comprehensive strategy based on the Royal Decision of the King Fahad Bin Abdul Aziz requesting the General Secretariat of the Saudi National Commission for Childhood to form a mechanism to address child abuse;**

**(b) Take legislative measures to prohibit all forms of physical and mental violence against children, including sexual abuse in the family;**

**(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and domestic violence in general;**

**(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, and intervene where necessary;**

**(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**



- (f) **Provide adequate care, recovery and reintegration for victims;**
- (g) **Train professionals working with and for children, such as teachers, law enforcement officials, care workers, judges and health professionals, in the identification, reporting and management of ill-treatment cases; and**
- (h) **Seek assistance from, among others, United Nations Children's Fund (UNICEF).**

786. **In the context of the Secretary-General's in-depth study on the question of violence against children, the Committee acknowledges with appreciation the State party's participation in the Regional Consultation for the Middle East and North Africa held in Egypt from 27 to 29 June 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

#### **6. Basic health and welfare** **(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

##### **Children with disabilities**

787. The Committee commends the State party for its efforts to ensure that children with disabilities have better opportunities in society by integrating them with their peers into schools, cultural and sporting events. Nevertheless, the Committee is concerned that children with disabilities face de facto discrimination in their every day life and that the national programmes and policies for children with disabilities lack the rights-based approach.

788. **The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), mainstream the rights-based approach to all national policies and programmes for children with disabilities. It further recommends that the State party take necessary measures to prevent de facto discrimination against children with disabilities and integrate them into society, including education and cultural activities, taking into account their dignity and by promoting their independence.**

##### **Health and health services**

789. The Committee commends the State party for measures taken to improve the health situation of children, inter alia, by adopting the Health Act and its implementing regulation in June 2002 and by allocating notable budgetary resources for the health sector. It is encouraged by the progress achieved by the State party in the elimination and prevention of infectious diseases and breaking the silence around HIV/AIDS but it notes with concern that certain new lifestyle factors affect children's health causing, inter alia, obesity, while at the same time malnutrition rates are relatively high in comparison to the high GNI per capita levels.

790. **The Committee recommends that the State party improve the nutritional status of infants and children paying particular attention to children in rural areas and simultaneously continue and strengthen its special programmes to address the issue of child obesity and promote a healthy lifestyle among children and their parents. It recommends that the State party continue its cooperation with the United Nations Children's Fund (UNICEF) in this regard. The Committee recommends that, while taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), the State party continue its efforts to prevent HIV/AIDS. It also recommends that the State party seek technical assistance, inter alia, from UNAIDS.**

#### **Adolescent health**

791. With regard to adolescent health, the Committee notes with appreciation the State party's efforts to ensure the development of boys and girls of school age up to late adolescence by providing them with school health services, nourishing meals and health education. Nevertheless, the Committee reiterates its previous concern and regrets the insufficient information provided by the State party in relation to adolescent health, including reproductive health and mental health.

792. **The Committee recommends that the State party take into account the Committee's general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4) and strengthen its efforts to promote adolescent health, including sex and reproductive health education in schools, and to provide adolescents with youth-sensitive and confidential counselling and health-care services.**

#### **Standard of living**

793. While acknowledging the information provided by the State party delegation on the national poverty reduction strategy being prepared, the Committee remains concerned about the situation of children living in poverty in the State party.

794. **The Committee recommends that the State party expedite the adoption of the national poverty reduction strategy and pay particular attention to children when implementing it.**

### **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

795. The Committee commends the State party for its notable investments in education. It notes with appreciation the State party's efforts to treat all children equally with respect to educational services and it also notes with appreciation that primary education is compulsory for all children and free of all direct and indirect costs based on the seventh five-year development plan (2000-2005). Notwithstanding the positive fact that pre-school was made a basic stage of

general education (Royal Approval No. 7/B/5388 of 15 May 2002), the Committee notes with concern the low enrolment rate in pre-primary education. In addition, the low participation in intermediate and secondary education gives cause for deep concern.

796. The Committee takes note of the State party's efforts to eradicate illiteracy but it also notes with concern that the female adult illiterate population has slightly increased while the general illiteracy rate has declined. With this respect the Committee regrets the lack of information on non-formal education services for educationally deprived children outside the formal sector. It notes with appreciation the State party's efforts to address the special educational needs of Bedouin children. Finally, the Committee notes the State party's challenge to respond to its rapid growth in population and in the number of students which in turn necessitates a more urgent need for increased education services.

**797. In the light of articles 28 and 29 of the Convention, the Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:**

**(a) Ensure that all children have an equal access to quality education at all levels of the educational system;**

**(b) Continue to take measures to increase enrolment and retention rates in intermediate and secondary education;**

**(c) Provide access to early childhood education for every child and raise awareness and motivation of parents with respect to pre-schools and early-learning opportunities by taking into account the Committee's general comment No. 7 on implementing child rights in early childhood (CRC/C/GC/7);**

**(d) Take effective targeted measures to eradicate illiteracy, e.g. through literacy programmes and non-formal education, and pay particular attention to women and girls in this respect; and**

**(e) Seek cooperation, among others, with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Children's Fund (UNICEF) to improve the education sector further.**

**798. The Committee requests that specific information be included in the next periodic report on measures to address the growth in the number of students and the consequent need for more teachers and schools.**

#### **Aims of education**

799. The Committee notes with satisfaction the State party's efforts to respond to the needs of foreign expatriate communities by allowing an establishment of foreign schools which follow the set curricula and system of schooling used in the country of origin. As regards the principles, goals and objectives of education in Saudi Arabia, the Committee regrets the distinction between male and female roles in the curricula resulting in discrimination against girls.

800. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education (CRC/GC/2001/1), expedite the inclusion of human rights education in the curriculum of all schools, including religious and foreign schools, and ensure that children's rights, particularly with respect to tolerance and equality of religious minorities, are a core element. As regards the situation of girls in education, it recommends that the State party take measures to break down stereotypical attitudes about the roles and responsibilities of women and men and to critically review its school curricula with a view to abolishing all discriminatory practices in education, including girls' limited access to vocational education and training.**

**8. Special protection measures  
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Refugee children**

801. The Committee regrets the lack of information on asylum-seeking and refugee children in the State party. It is also concerned about the inadequate legal framework governing the treatment of refugees and asylum-seekers.

802. **The Committee recommends that the State party, taking into account article 22 and other relevant provisions of the Convention, take all feasible measures to ensure full protection and care, as well as access to health and social services and to education, of asylum-seeking and refugee children in Saudi Arabia. It recommends that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In addition, the Committee draws the attention of the State party to its general comment No. 6 (CRC/GC/2005/6) on treatment of unaccompanied and separated children outside their country of origin and recommends that the State party seek technical assistance from UNHCR.**

**Children of non-Saudi (migrant) workers**

803. Noting the very high number of non-Saudi (migrant) workers in the State party, and the status of female domestic workers on the margins of society, the Committee is concerned about the situation and vulnerability of non-Saudi (migrant) workers' children in the Saudi society. It notes with concern that non-Saudi (migrant) workers' children without legal residence status do not have access to health services or to education. The Committee is deeply concerned about the imprisonment of female non-Saudi (migrant) workers for their "illegal pregnancies" and the living conditions of non-Saudi (migrant) workers' children living in prison with their parents.

804. **In the light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure that each child living within its jurisdiction enjoys without discrimination the rights set forth in the Convention. It recommends that the State party develop and implement policies and practices to better protect and serve children of migrant workers. The Committee urges the State party to end as a matter of priority the arrest and imprisonment of unmarried non-Saudi (migrant) women who become pregnant, including victims of sexual violence. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison and allow them to maintain personal relations and direct contact**

**with their mothers remaining in prison. In addition, the Committee encourages the State party to ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

### **Sexual exploitation and trafficking**

805. While noting that the domestic legislation prohibits the sale and trafficking of children and includes measures to protect children from all other forms of exploitation, abduction and abuse, the Committee is concerned about the growing phenomenon of trafficking in children in the region, including reports of child trafficking during pilgrimages, and children crossing the border from Yemen.

806. **In order to prevent and combat trafficking in children for sexual and other exploitative purposes, such as forced begging, the Committee recommends that the State party:**

- (a) Review its domestic legislation in order to enact a comprehensive anti-trafficking law and strengthen its efforts to investigate sexual exploitation and trafficking cases and ensure that perpetrators are prosecuted and child victims of sexual abuse and trafficking are granted the legal status of victims;**
- (b) Conduct research and provide comprehensive statistical data on the extent, nature and changing patterns of sexual exploitation and trafficking in children in Saudi Arabia;**
- (c) Develop and adopt a comprehensive multidisciplinary national plan of action to prevent and combat sexual exploitation of and trafficking in children;**
- (d) Strengthen its bilateral and multilateral cooperation with countries of origin and transit in order to take more efficient measures against trafficking in children;**
- (e) Raise public awareness about the risks of child trafficking and train professionals working with and for children, as well as the general public, to counter trafficking in children;**
- (f) Strengthen its efforts to provide adequate assistance and social reintegration services for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

### **Administration of juvenile justice**

807. The Committee is encouraged by the State party's efforts to reform its juvenile justice system, inter alia, through adoption of the new Code of Criminal Procedure and Practice for Lawyers in 2001. The Committee takes note of the State party's intention to raise the minimum age of criminal responsibility but is deeply concerned that it is still 7 years. It notes with appreciation that the State party has established special juvenile courts and that persons under 18 years of age are held in separate detention facilities and that they are entitled to be represented by a lawyer. As noted in paragraph 32, the Committee is deeply concerned about

reports that persons are sentenced to death for crimes committed while under the age of 18, and at the fact that capital and corporal punishment can be imposed on persons having committed a crime when under 18 years of age at the discretion of the judge.

**808. The Committee urges the State party to ensure the full implementation of juvenile justice standards in particular articles 37, 40 and 39 of the Convention, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and take into account the recommendations adopted by the Committee on its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238).**

**809. The Committee refers to its recommendations made in paragraphs 33 on right to life and capital punishment and on 43 on protection from torture, inhuman or degrading treatment or punishment and it urges the State party to:**

**(a) Critically review its legislation with a view to abolishing the imposition of capital and corporal punishment on persons having committed crimes when under 18 years of age at the sole discretion of the judge;**

**(b) Implement alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;**

**(c) Amend the Detention and Imprisonment Regulations (1977) and the Juvenile Justice and Social Surveillance Centre Regulations to prohibit flogging or any other form of corporal punishment for persons under 18 deprived of their liberty;**

**(d) Continue to strengthen the quality and availability of specialized juvenile courts and judges, lawyers, police officers and prosecutors, inter alia, through training professionals;**

**(e) Strengthen its efforts to ensure that persons under 18 years of age in conflict with the law have access to legal aid and independent and effective complaints mechanisms;**

**(f) Train professionals in the area of recovery and social reintegration of children in conflict with the law and in particular those who have been deprived of their liberty;**

**(g) Raise awareness of its provisions and the rights guaranteed in the new Code of Criminal Procedure among the public; and**

**(h) Seek technical assistance and other cooperation, inter alia, from the United Nations Office on Drugs and Crime (UNODC), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).**

## **9. Optional Protocols to the Convention on the Rights of the Child**

810. The Committee recommends that the State party expedite the process of ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

## **10. Follow-up and dissemination**

### **Follow-up**

811. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers and the Consultative Council or Majlis al-Shura, and to provincial councils, when applicable, for appropriate consideration and further action.

### **Dissemination**

812. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

813. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, *i.e.* 24 February 2013. This report should combine the third and fourth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third and fourth report 18 months before its due date, that is by 24 August 2011. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

## **Concluding observations: Thailand**

814. The Committee considered the second periodic report of Thailand (CRC/C/83/Add.15) at its 1113rd and 1115th meetings (see CRC/C/SR.1113 and 1115) held on 24 January 2006, and adopted at the 1120th meeting (CRC/C/SR.1120), held on 27 January 2006, the following concluding observations:

## **A. Introduction**

815. The Committee welcomes the second periodic report submitted by the State party and the written replies to its list of issues (CRC/C/THA/Q/2), and expresses its appreciation of the State party's open and self-analytical reporting approach in identifying a number of areas of concern. It further notes with appreciation the constructive efforts made by the high-level, intersectoral delegation to provide additional information in the course of the dialogue.

## **B. Follow-up measures undertaken and progress achieved by the State party**

816. The Committee commends the State party for the adoption of the Child Protection Act (B.E. 2546) in 2003, which defines the child as a person below 18 years of age and eligible for protection and welfare assistance in compliance with the principles of non-discrimination and the best interests of the child. It also welcomes the amendment or adoption of several laws aimed at enhancing implementation of the Convention, inter alia, the National Education Act of 1999 and the Compulsory Education Act of 2002, the Act on Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases of 2001, and the 2004 amendment to the Penal Code with the effect that capital punishment and life imprisonment cannot be imposed on children for crimes committed below the age of 18. In addition, the Committee notes with appreciation the establishment of mechanisms that enhance the promotion and protection of children's rights in the country, including the National Human Rights Commission and the Sub-Committee on Child, Youth and Families, the National Child Protection Committee and Provincial Child Protection Committees.

817. The Committee welcomes the ratification of or accession to a number of international human rights instruments:

(a) 1966 International Covenant on Economic, Social and Cultural Rights on 5 September 1999;

(b) 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 16 February 2001;

(c) 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction on 14 August 2002;

(d) 1965 International Convention on the Elimination of All Forms of Racial Discrimination on 28 January 2003;

(e) 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on 29 April 2004; and

(f) 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment on 11 May 2004.



### **C. Factors and difficulties impeding the implementation of the Convention**

818. The Committee acknowledges that an exceptional natural disaster caused by the Indian Ocean tsunami of 26 December 2004 has largely devastated the south-western coast of Thailand - giving rise to a number of economic and social difficulties and affecting the lives of many children. It also acknowledges the challenges faced by the State party as a result of the civil unrest in the southernmost provinces of Thailand, which have adversely impacted overall human rights development in the country.

### **D. Principal subjects of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **The Committee's previous recommendations**

819. The Committee notes with satisfaction that various concerns and recommendations in its concluding observations (CRC/C/15/Add.97) adopted following its consideration of the State party's initial report (CRC/C/11/Add.13) have been addressed through legislative measures and policies. However, some of the concerns it expressed and recommendations it made regarding, inter alia, the minimum legal age of criminal responsibility, birth registration, statelessness, refugee and asylum-seeking children have not been sufficiently addressed.

**820. The Committee reiterates these concerns and recommendations and urges the State party to make every effort to address them, as well as to implement the recommendations contained in the present concluding observations.**

#### **Reservations**

821. The Committee notes the efforts made by the State party to review its reservations and its partial compliance with articles 7 and 22 of the Convention, but regrets that these reservations have been maintained.

**822. The Committee reiterates its previous recommendation and again draws the State party's attention to articles 2 and 24 of the International Covenant on Civil and Political Rights, which the State party ratified without reservations. In this regard, the Committee urges the State party to withdraw its reservations to articles 7 and 22 of the Convention in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993 (A/CONF.157/23).**

#### **Legislation**

823. The Committee notes with appreciation the measures taken by the State party to bring national legislation into conformity with the Convention, in particular the Child Protection Act. It notes, however, that the implementation and enforcement of such legislation, particularly at the local level, in such areas as children in conflict with the law, trafficking, child labour and

violence against children, require further attention in order to ensure full compliance with the principles and provisions of the Convention. It also notes that some existing legislation, for example the Penal Code regarding the minimum age of criminal responsibility (7 years), is still not in compliance with the Convention.

**824. The Committee encourages the State party to continue its efforts to harmonize its legislation fully with the provisions and principles of the Convention. It also encourages the State party to continue its efforts to ensure the full and effective implementation of its national legislation through, inter alia, dissemination to legislators and law enforcement officials, as well as awareness-raising activities, in order to better protect the rights of the child.**

### **Coordination**

825. The Committee notes the multitude of Government ministries, agencies and other bodies involved in the promotion and protection of child rights in the country. While recognizing the role of the National Youth Bureau, it is concerned that coordination is limited among such bodies, particularly at the provincial, regional and local levels.

**826. The Committee recommends that the State party strengthen its system of coordination at all levels in order to ensure the full and effective implementation of its national legislation as well as of the Convention.**

### **National Plan of Action**

827. The Committee welcomes the introduction of a National Strategy and Plan of Action (2005-2015) for implementation of the outcome document entitled “A World Fit for Children” adopted at the 2002 General Assembly Special Session on Children.

**828. The Committee encourages the State party to ensure that the National Strategy and Plan of Action covers all areas under the Convention, and that sufficient human and financial resources are provided for its full and effective implementation at all levels. The Committee also encourages the State party to ensure the wide participation of civil society, including children and youth, in all aspects of the implementation process. It requests the State party to provide information in its next periodic report on the implementation, outcomes and evaluation of the National Strategy and Plan.**

### **Independent monitoring**

829. The Committee welcomes the establishment of independent monitoring mechanisms, notably the Parliamentary Ombudsman, as well as the National Human Rights Commission and its Sub-Committee on Children, Youth and Families. It notes in particular the activities undertaken by the Sub-Committee to, inter alia, conduct inspection visits and monitor agencies and institutions responsible for the promotion and protection of child rights, and to investigate complaints relating to children and youth. The Committee is nevertheless concerned about the

accessibility and availability of these mechanisms to all children in the country and about the resources allocated to them. The Committee is also concerned that the recommendations of the National Human Rights Commission have not been sufficiently implemented and followed up by the relevant authorities.

830. **The Committee recommends that the State party, taking into account its general comment No. 2 of 2002 (see CRC/GC/2002/2) on the role of independent national human rights institutions, take all effective measures to ensure that the National Human Rights Commission and the Parliamentary Ombudsman are easily accessible to, and user-friendly for, all children. It particularly encourages the State party to reinforce its awareness-raising efforts to facilitate the effective use of existing complaint mechanisms by children. The Committee recommends that the Parliamentary Ombudsman develop a special focus on children. It also recommends that the State party ensure that the National Human Rights Commission and the Parliamentary Ombudsman are provided with sufficient human and financial resources, and that their recommendations are given full and serious follow-up.**

#### **Allocation of resources**

831. The Committee notes the increases in budget allocations for social development covering education, public health and social services during the reporting period as well as the creation of a Child Protection Fund to provide welfare assistance to children and their families and to support projects and activities for children implemented by provincial agencies. The Committee is concerned, however, about the lack of information in a number of areas, notably on budget allocations at the provincial and district levels and on the proportion of resources allocated to children belonging to the most vulnerable groups. It also notes with concern that the Ministry of Social Development and Human Security has no representation at the district level and that there is limited Government capacity for social welfare service delivery at the Tambon or community level.

832. **The Committee recommends that the State party provide information on budget allocations at both national and subnational levels, with particular emphasis on children belonging to the most vulnerable groups, in its next periodic report. The Committee recommends, in light of article 4 of the Convention, that the State party prioritize budgetary allocations at all levels to ensure the implementation of the rights of children, in particular those belonging to the most vulnerable groups “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. It encourages the State party to ensure the adequate allocation of resources for the Ministry of Social Development and Human Security, both at national and subnational levels, in order to further strengthen multisectoral responses to promote implementation of the rights of children in Thailand.**

#### **Data collection**

833. The Committee notes with appreciation the efforts and initiatives taken to improve data collection on all children in the country. It is concerned, however, that data collection mechanisms remain fragmented and insufficient to ensure the systematic and comprehensive collection of disaggregated data on all areas covered by the Convention.

834. **The Committee reiterates its previous recommendation and urges the State party to strengthen and centralize its data collection system, and to systematically integrate and analyse disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. indigenous and minority children, children in the southernmost provinces of the country, children with disabilities, abused and neglected children, children living in poverty, children in conflict with the law, immigrant and refugee children, children infected with and affected by HIV/AIDS, and children of sex workers, etc). The Committee urges the State party to use these indicators and data effectively in the formulation of legislation, policies and programmes for the effective implementation of the Convention.**

### **Dissemination of the Convention**

835. The Committee notes with appreciation the State party's efforts to involve members of civil society, including children, in the preparation of its periodic report. It also notes with appreciation the State party's efforts to disseminate the Convention, including its translation into Thai and various local dialects, and its availability in audio form and in Braille. It is encouraged that various training courses and programmes that have been developed on the Convention and on child rights in general, and that child rights issues have been made part of the national public school curriculum at the primary and secondary levels. Despite these efforts, the Committee remains concerned that children and the general public at large remain insufficiently aware of the Convention.

836. **The Committee recommends that the State party continue and strengthen its efforts to ensure that the provisions and the principles of the Convention are widely recognized and understood by adults and children alike. In this regard, it encourages the State party to continue to disseminate and raise awareness of the Convention among children and adults, particularly in remote areas. The Committee also invites the State party to continue to develop creative and child-friendly methods of promoting and teaching the Convention.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **The right to non-discrimination**

837. The Committee is concerned about the persistence of both direct and indirect discrimination against the child, contrary to article 2 of the Convention, particularly with respect to the girl child, children of indigenous, and religious or ethnic minority communities, children of refugees and asylum-seekers, children of migrant workers, street children, children with disabilities, children living in rural areas, and children living in poverty. The Committee is also concerned that there continues to be regional disparities, especially in the southernmost provinces, in access to social, health and educational services.

838. **The Committee recommends that the State party, in accordance with article 2 of the Convention, take more effective measures to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention on the basis of non-discrimination by effectively implementing existing laws which guarantee that principle. The Committee**

**recommends that the State party prioritize social and health services and ensure equal opportunities to education for children belonging to the most vulnerable groups, including Muslim, immigrant and refugee children. The Committee further recommends that the State party carry out comprehensive public education campaigns to prevent and combat all forms of discrimination.**

839. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's general comment No. 1 on the aims of education of 2001 (CRC/GC/2001/1).

#### **Right to life, survival and development**

840. The Committee notes with concern that the violence and civil unrest in the southern provinces of the country have had severe consequences on children and their families, and endangered the right of the child to life, survival and development. The Committee notes with particular concern the lack of rehabilitation, counselling and other assistance programmes for child survivors and witnesses of violence in these provinces. The Committee is also concerned about the situation of former child soldiers in the country, some of whom may be in camps for refugees.

841. The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party, particularly with respect to former child soldiers and to children in the southernmost provinces of the country, through targeted policies, programmes and services. The Committee also urges the State party to protect all children from the consequences of the civil unrest and to ensure their reintegration in society. It also urges the State party to develop, in collaboration with non-governmental and international organizations, a comprehensive system of psychosocial support and assistance for children affected by violence and conflict.

#### **Respect for the views of the child**

842. The Committee is encouraged by the State party's actions to promote and respect children's right to freely express their views and to participate in society, inter alia, through the organization of an annual Child Rights Forum and through the establishment of youth councils and networks. Despite these positive steps, the Committee is of the view that children's right to free expression and to participation is still limited in the State party, partly due to traditional attitudes in society. It is also concerned that respect for the views of the child may not be fully taken into account in court processes involving children either as victims, witnesses, or alleged offenders.

843. The Committee recommends that the State party strengthen its efforts to ensure the active participation and involvement of children in all decisions affecting them in the family, school and community, in accordance with articles 12, 13 and 15 of the Convention.

**It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making, court decisions, and programme implementation. It further recommends that the State party improve child-sensitive court procedures in accordance with the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

**3. Civil rights and freedoms  
(arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

**Birth registration**

844. Despite the State's party efforts in this area, including legislative initiatives by the Sub-Committee on the Revision of Child-Related Laws and the adoption of a Strategy to Address the Problem of Legal Status and Right to Identity in January 2005, the Committee is nevertheless concerned about the high number of children that remain without birth registration, particularly in the most remote areas of the country and in tsunami-affected areas. The Committee is also concerned about persisting difficulties in ensuring the registration of children of migrant workers, refugees and asylum-seekers as well as of indigenous and minority communities, particularly those born outside of hospitals. The Committee is further concerned about weak law enforcement and limited public awareness of the significance and benefits of birth registration.

845. **The Committee reiterates its previous recommendations and, in line with article 7 of the Convention, recommends that the State party continue to review its legislation, in particular the Act for Registration of Inhabitants (B.E. 2534) of 1991, with a view to ensuring that the birth registration system is equally accessible to all children in the whole territory of the State party, in particular, migrant and refugee children, children belonging to indigenous and minority communities, and children living in the most remote or in tsunami-affected areas. The Committee also recommends that the State party improve the existing birth registration system by:**

- (a) Introducing mobile birth registration units and public awareness-raising campaigns to reach the most remote areas of its territory;**
- (b) Strengthening cooperation between the birth registration authority and maternity clinics, hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country;**
- (c) Continuing to develop and widely disseminate clear guidelines and regulations on birth registration to officials at the national and local levels; and**
- (d) Ensuring that children whose births have not been registered and who are without official documentation have access to basic services, such as health and education, while waiting to be properly registered.**

### **Name, nationality and identity**

846. The Committee is concerned that a significant number of children residing in Thailand remain stateless, which adversely impacts their full enjoyment of rights including education, development and access to social and health services, and which renders them vulnerable to abuse, trafficking and exploitation.

**847. The Committee reiterates its recommendation that the State party withdraw its reservations to articles 7 and 22 of the Convention and urges it to continue to implement measures to ensure that all stateless persons born in Thailand and living under its jurisdiction can acquire a nationality, including the possibility of acquiring Thai nationality. The Committee also urges the State party to take specific measures to ensure their access to basic services such as social and health services and education.**

### **Protection of privacy**

848. While noting the existence of national legislation which protect children's right to privacy and despite the efforts of the State party, the Committee notes with concern that the identities and photos of child victims are presented in the media, which is a clear infringement of article 16 of the Convention and of domestic law respecting the privacy of the child.

**849. The Committee urges the State party to establish mechanisms such as a code of conduct and/or self-regulation to ensure that all materials broadcast in Thailand respect the child's right to privacy. The Committee also urges the State party to ensure that appropriate human rights training is given to media professionals, paying particular attention to children's rights to privacy.**

### **Access to information**

850. The Committee appreciates the measures taken by the State party to increase child-targeted programming in the media, and the amount of primetime media hours devoted to programming for children, youth and families. It is concerned, however, at the quality of programming. While noting that the draft Measures for the Suppression of Provocative Materials Act is pending before the Cabinet, the Committee is concerned that some of the materials published in the media and available through the Internet are harmful to the child. Further, the Committee, while noting the efforts of the Ministry for Information and Communication Technology, expresses its concern that no systematic media-monitoring mechanisms exist at the national and subnational levels to protect children from being exposed to harmful information, such as violence and pornography, transmitted through the media and through the Internet.

**851. The Committee recommends that, through cooperation with radio and television broadcasters, mechanisms be established to monitor and improve the quality and suitability of media programming produced primarily for children and youth. Further, the Committee recommends, in light of article 17 of the Convention, that the State party take**

**all necessary legal and other measures, including advisory campaigns directed to parents, guardians and teachers, and cooperation with Internet service providers to protect children from being exposed to harmful material such as violence and pornography, transmitted through the media and Internet.**

### **Corporal punishment**

852. The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools and takes note of the recent Ministerial regulation prohibiting the use of corporal punishment in penal institutions. The Committee nevertheless regrets that corporal punishment in the home and in alternative care settings is not explicitly prohibited by law. Further, it notes the State party's acknowledgement that child victims are often afraid to complain and that assistance is rarely available to them.

853. **The Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and is not consistent with the requirement of respect for the child's dignity as specifically required by article 28, paragraph 2 of the Convention. Therefore, the Committee urges the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), to prohibit by law all forms of corporal punishment in the home and in all alternative care settings.**

854. **The Committee recommends that the State party sensitize and educate parents and other caregivers, law enforcement officials and professionals working with and for children by carrying out public awareness-raising campaigns about the harmful impact of corporal punishment. It encourages the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment. The Committee also recommends that the State party establish specific child-sensitive complaint mechanisms and services, and ensure access of all children to these mechanisms.**

### **4. Family environment and alternative care**

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

#### **Alternative care**

855. The Committee notes the various programmes and mechanisms providing alternative care for children in the country, including the foster care system, welfare homes and other institutions, which are administered by various Government ministries and agencies. The Committee is concerned, however, at the lack of information on the situation of children placed in alternative care facilities and on the standards and regulations governing such institutions. It is also concerned at the lack of information concerning monitoring and oversight mechanisms for such programmes and institutions.

856. **The Committee recommends that the State party:**

**(a) Undertake a comprehensive study to assess the situation of children placed in institutions, including their living conditions, care plans and services provided;**



**(b) Set clear standards for existing institutions and the foster care system, including rules for the involvement of children and their parents in decision-making processes in accordance with article 9 of the Convention and ensure periodic review of the placement of children, in light of article 25 of the Convention;**

**(c) Ensure that all alternative care institutions and programmes are well monitored, including by independent complaint monitoring mechanisms and non-governmental organizations, with a view to ensuring the protection of children's rights, and provide children with easy access to these mechanisms; and**

**(d) Pursue all necessary measures to allow children placed in institutions to return to their families whenever possible and use the placement of children in institutions as a measure of last resort.**

#### **Violence, abuse, ill-treatment and neglect**

857. While acknowledging the efforts made by the State party and noting Section 53 of the Constitution of Thailand (1997), the Committee is deeply concerned about increasing reports of cases of domestic violence, child abuse and neglect in the country. It expresses its concern at the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse (for example, the provisions of the Penal Code only protect female victims of rape). It also expresses its concern at the lack of a national data collection system on cases of violence against children.

858. **The Committee urges the State party to:**

**(a) Review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to define clearly these crimes against children;**

**(b) Conduct timely and adequate investigations of all cases of child abuse and violence and to ensure that child victims of violence and abuse have access to adequate counselling and multidisciplinary assistance for recovery and reintegration;**

**(c) Establish or expand services available for the physical and psychological recovery and social reintegration of victims of sexual abuse as well as any other child victims of abuse, neglect, ill-treatment, violence or exploitation;**

**(d) Take appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with non-governmental organizations;**

**(e) Carry out public education and awareness-raising campaigns of the consequences of ill-treatment of children, addressing sociocultural barriers that inhibit victims from seeking assistance; and**

**(f) Establish a data collection system for violence against children and conduct further analysis of the issue with the aim of preventing and reducing this phenomenon.**

859. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation that the State party hosted the Regional Consultation for East Asia and the Pacific, from 14 to 16 June 2005 and that it has submitted its written replies to the questionnaire. The Committee recommends that the State party use the outcome of the Regional Consultation on violence against children to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

#### **Children in prison with their mothers**

860. The Committee notes with concern the high rate of women in prison in Thailand, some of whom are pregnant or have children. The Committee is concerned that sentencing decisions do not consistently take into account the best interests of the child and women's role as mothers with childcaring responsibilities. It also notes with particular concern that a pregnant woman sentenced to capital punishment may be executed after her delivery. With regard to children residing in prison with their mothers, the Committee notes that women with children are separated from the general prison population, but expresses its concern about overcrowding, poor conditions of detention and inadequate staff.

861. **Where the defendant has childcaring responsibilities, the Committee recommends that the principle of the best interests of the child (art. 3) is carefully and independently considered by competent professionals and taken into account in all decisions related to detention, including pretrial detention and sentencing, and decisions concerning the placement of the child. It recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, it recommends that the State party continue to ensure that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. As regards children residing in prison with their mothers, the Committee recommends that the State party ensure that living conditions in prisons are adequate for the child's early development in accordance with article 27 of the Convention. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.**

#### **5. Basic health and welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

#### **Children with disabilities**

862. The Committee notes with appreciation that the State party has undertaken many concrete measures to promote the full enjoyment of all human rights and fundamental freedoms by children with disabilities, including access to mainstream and specialized education and to vocational training. Despite these positive steps, the Committee is concerned that children with

disabilities living in the remote areas of the country lack access to adequate health and social services, as well as to education. It also shares the State party's concern about the insufficient and incoherent data on children with disabilities and the non-standardized public and private services for them.

863. **The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), take all necessary measures to:**

**(a) Formulate and adopt a comprehensive national policy for children with disabilities, and allocate necessary financial and human resources to implement the plan;**

**(b) Prevent and prohibit all forms of discrimination against children with disabilities, including by raising awareness of their rights, special needs and potential, and ensure equal opportunities for their full participation in all spheres of life;**

**(c) Standardize public and private services for children with disabilities and monitor the accessibility and quality of these services;**

**(d) Provide children with disabilities with physical access to schools and access to appropriate information and communication tools; and**

**(e) Establish a data collection mechanism on children with disabilities and to use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children with disabilities living in remote areas of the country.**

#### **Health and health services**

864. While noting with appreciation the State party's efforts to improve primary health care, in particular the immunization programme, and noting as well the progress achieved in reducing infant, child and maternal mortality, the Committee is nevertheless concerned at the regional disparities in accessibility of health services, at the prevailing situation of malnutrition among children, particularly iodine and iron deficiencies, and at the incidence of thalassemia in the country. It is also concerned at the low rate of exclusive breastfeeding and notes with concern that the provisions of the International Code of Marketing of Breast-milk Substitutes have not been enacted as law.

865. **The Committee recommends that the State party undertake all necessary measures:**

**(a) To ensure equal access to quality health services by children in all areas of the country, including children living in remote areas;**

**(b) To continue its efforts to improve prenatal care and to reduce maternal, infant and under-five mortality rates, paying particular attention to mothers and children living in remote areas of the country;**

(c) **To improve the nutritional status of children, inter alia, through introducing legislation and policies to ensure that the State party will meet universal salt iodization (USI) and elimination of iron deficiency goals;**

(d) **To continue to encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter, taking into account the support needed for working mothers;**

(e) **To continue its efforts to reduce the incidence of thalassemia in the country, including through early detection and treatment programmes; and**

(f) **To continue to cooperate and seek technical assistance in this matter from, inter alia, the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).**

### **Adolescent health**

866. The Committee notes with appreciation that adolescent drug use is now treated as a medical rather than criminal matter. It further appreciates that advertising for tobacco and alcohol is now prohibited. It is concerned, however, that the rates of drug and alcohol consumption among adolescents remain high.

867. **The Committee recommends that the State party continue to promote effective drug and alcohol awareness and prevention programmes specifically targeting children and adolescents. It also recommends that the State party continue to provide treatment and rehabilitation programmes for children and adolescents with addiction to drugs and alcohol.**

### **Environmental health**

868. The Committee is concerned about a range of environmental problems such as air pollution and environmental degradation, including shortcomings in the municipal and industrial waste management, which have serious consequences for children's health and development. While noting improvements in water and sanitation, particularly for rural families, the Committee is concerned about regional disparities as regards access to safe drinking water and sanitation.

869. **The Committee recommends that the State party:**

(a) **Continue to take effective measures to improve access to safe drinking water and sanitation facilities, particularly in remote areas of the country; and**

(b) **Increase children's knowledge of environmental health issues by introducing environmental health education programmes in schools.**

### **HIV/AIDS**

870. The Committee commends the State party for having met Millennium Development Goal 6 well ahead of schedule. It welcomes the various multisectoral measures taken to address

the prevention and reduction of HIV/AIDS infection and takes note of the national programme for preventing mother-to-child transmission of HIV/AIDS (PMTCT), which provides pregnant women with voluntary counselling and free HIV-testing. The Committee nevertheless expresses its concern at the relatively high rate of children born at risk from mother-to-child transmission of HIV/AIDS annually. It notes with concern that adolescents are increasingly at risk of HIV-infection while the level of HIV/AIDS awareness among them has decreased. It is also concerned about the presence of risk factors predisposing HIV-infection such as the high number of sex workers. Further, it is concerned that that free trade agreements currently being negotiated with some other countries may negatively impact access to affordable medicines, in particular antiretroviral drugs.

**871. The Committee recommends that the State party, taking into account its general comment No. 3 on HIV/AIDS and the rights of the child of 2003 (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), continue to:**

**(a) Take multisectoral efforts to prevent new HIV-infections by adopting and implementing policies and programmes that particularly reflect community-level realities and by providing more technical and financial support for local-level programming, implementation and monitoring;**

**(b) Fully implement the national programme for preventing mother-to-child transmission of HIV/AIDS (PMTCT) by providing all pregnant women with adequate health and social services free of charge and by providing HIV-positive mothers with antiretroviral drugs and formula feeding for infants;**

**(c) Prevent and prohibit discrimination against children infected with and affected by HIV/AIDS, and ensure that these children have access to adequate social and health services;**

**(d) Ensure access to child-sensitive and confidential HIV/AIDS counselling when required by a child without parental consent;**

**(e) Systematically include accurate and comprehensive information about HIV/AIDS and sex education, including condom promotion, in school and tertiary-level curricula, and provide training to teachers and other education officials on teaching about HIV/AIDS and sex education;**

**(f) Ensure that regional and other free trade agreements do not have a negative impact on the enjoyment of the right to health by children. More specifically, ensure that such agreements will not negatively impact the availability of drugs and medicines for children; and**

**(g) Seek technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS.**

872. **The Committee also recommends that the State party integrate respect for the rights of the child and involve children in the development and implementation of its HIV/AIDS policies and strategies, including by taking into consideration the recommendations adopted by the Committee at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243).**

### **Standard of living**

873. Notwithstanding the State party's continuous and very successful efforts to reduce poverty in Thailand, including the establishment of the Child Protection Fund, the Committee notes with concern that 36 per cent of the poor are children and that there are wide disparities in income levels across regions - the north and north-east, and the three southernmost provinces being the most economically disadvantaged areas. The Committee is deeply concerned about difficulties faced by children living in poverty, particularly orphans, street children, children with disabilities and children belonging to indigenous and minority communities, in the full enjoyment of their human rights, including access to social and health services and education.

874. **In accordance with article 27 of the Convention, the Committee recommends that the State party continue to allocate resources for effective poverty reduction measures, particularly in the north, north-east and the three southernmost provinces. It recommends that the State party strengthen its efforts to raise the standard of living among its population living in poverty, inter alia, through enhancing the capacity to develop and monitor poverty reduction strategies at the local and community levels, and ensuring access to social and health services, education and adequate housing. It also requests the State party to increase its efforts to provide earmarked funds and concrete assistance and support to children and families in poverty.**

## **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

875. The Committee welcomes various legislative, administrative, policy and budgetary measures to increase compulsory schooling from 6 to 9 years and to provide free education for up to 12 years, as well as to expand access to education, improve educational facilities and provide education in local or minority languages. In particular, the Committee welcomes the Cabinet's resolution of 5 July 2005, which provides non-registered children, including children of non-registered migrants as well as stateless children with access to the regular education system. Notwithstanding these positive steps, the Committee remains concerned that some children, particularly those belonging to the most vulnerable groups and those living in remote areas, still do not have equal access to quality education. The Committee is also concerned that preschool facilities are limited and that dropout rates at primary and secondary levels remain high.

876. The Committee urges the State party to fully implement the Cabinet resolution, which provides non-registered children with access to the regular education system and to allocate adequate resources for its implementation at the local level. In light of article 28 of the Convention, the Committee recommends that the State party allocate adequate financial, human and technical resources in order to:

- (a) Expand affordable preschool facilities in all areas of the country;
- (b) Adopt effective measures to decrease the dropout rate in primary and secondary school;
- (c) Continue efforts to provide indigenous and minority children with equal access to quality education, which respects their distinct cultural patterns and uses local indigenous and minority languages;
- (d) Ensure the supervision by the Ministry of Education of all schools within the jurisdiction of the State party to ensure that children receive the same educational curricula while respecting the rights of minorities to study their own language and religion, and to ensure that every child receiving education is protected from extremist political or religious ideology;
- (e) Take all necessary measures to ensure equal access to quality education to children in the southernmost provinces of the State party belonging to the most vulnerable groups;
- (f) Expand the availability and improve the quality of vocational training; and
- (g) Cooperate with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF, among others, as well as non-governmental organizations to improve the education sector.

#### **Aims of education**

877. The Committee is concerned about the overall quality of education due in part to the poor quality of teaching methods and to a shortage of qualified teachers. It notes with concern that the highly competitive nature of the education system, increasing particularly as children approach higher levels of learning, places additional burdens on children and may hamper the development of the child to his or her fullest potential. In this respect the Committee notes that some children attend tutor schools after regular school hours, which limits the possibility for rest, leisure, play, cultural and recreational activities, and for which there are additional costs. Further, it notes that there are inadequate sports and recreation opportunities in many schools. The Committee is also concerned that teaching and learning activities regarding human rights and child rights are left to the discretion of teachers and are not made compulsory in all schools.

878. **The Committee recommends that the State party, taking into account its general comment No. 1 of 2001 (CRC/GC/2001/1) on the aims of education, take all measures to:**

**(a) Strengthen further its efforts to improve the quality of education, including through teacher training and expanding recruitment of qualified teachers, in particular women and persons from minority and indigenous groups;**

**(b) Enhance the quality of education in a manner that seeks to reduce the competitiveness of the education system and promotes active learning capacities and strengthen efforts to promote the development of children's personality, talents and abilities to their fullest potential, including through the promotion of cultural life, the arts, play and recreational activities in schools;**

**(c) Provide sports and recreational activities as part of the curriculum; and**

**(d) Ensure that the teaching of human rights education, including education on children's rights, is mandatory in both public and private schools at all education levels.**

#### **8. Special protection measures**

**(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

#### **Children of refugees and asylum-seekers**

879. While noting that legislation on registration of birth and nationality of children born in Thailand are currently being drafted, the Committee is deeply concerned at the absence of a legal framework for the protection of children of refugees and asylum-seekers in Thailand as well as the potential for refoulement. It is also concerned about unaccompanied or separated children who are particularly vulnerable to abuse and exploitation. Further, it is concerned about the security of children, including former child soldiers that may be housed in refugee camps. The Committee regrets that the State party has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol and that the State party has not withdrawn its reservations to articles 7 and 22 of the Convention.

**880. The Committee urges the State party urgently to adopt and implement legislation for the protection of asylum-seeking and refugee children, and ensure that policies and programmes are implemented that guarantee the security of these children, in particular in camps. It also urges the State party to ensure that the principle of non-refoulement is respected in decisions with respect to these children, in particular former child soldiers. The Committee also reiterates its previous recommendations and urges the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol.**

#### **Children of migrant workers**

881. While acknowledging the State party's efforts to register children of migrant families, it is still deeply concerned about their vulnerability in Thailand. The alleged human rights violations of migrant workers and their family members, such as arbitrary arrests and detention by local police, give cause for serious concern. The Committee regrets that many families, even pregnant women with small children, are deported despite their fear of persecution. In addition,



the Committee notes with particular concern that children of migrant workers lack access to a range of health and education services, including those related to HIV/AIDS prevention and care, that their living conditions are often extremely poor and that many of them work long hours in hazardous conditions.

**882. The Committee recommends that the State party take urgent measures to ensure that the children of migrant workers or their family members, in particular non-registered migrants, are not arbitrarily arrested, detained or persecuted and that if they are to be returned to their country of origin, the principle of non-refoulement should be respected. It recommends that the children of migrant workers are ensured access to health and social services and to education in accordance with the principle of non-discrimination. Furthermore, the Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

#### **Economic exploitation and child labour**

883. The Committee notes that a National Plan of Action for the Elimination of the Worst Forms of Child Labour (2004-2009) has been introduced. It also notes with appreciation the State party's cooperation with the International Labour Organization's International Programme on the Elimination of Child Labour (ILO/IPEC). Despite these positive measures, the Committee remains concerned at the widespread occurrence of economic exploitation, including child labour, in the State party. It is also concerned that the Labour Protection Act does not cover children working in the informal sector (for example agriculture, small-scale family enterprises and domestic service).

**884. The Committee recommends that the State party:**

- (a) Effectively implement domestic labour laws;**
- (b) Extend the Labour Protection Act to ensure protection for children working in the informal sector;**
- (c) Improve the labour inspection system in order to safeguard that work performed by children is light work and not exploitative, and enable that system to monitor and report on the practice of domestic and rural labour by children;**
- (d) Ensure that children engaged in labour continue to have access to education, training and recreation; and**
- (e) Continue to actively participate in regional and interregional ILO/IPEC activities.**

#### **Sexual exploitation and trafficking in children**

885. The Committee notes the serious efforts made by the State party to combat the sexual exploitation of children, including the adoption of the Prevention and Suppression of Prostitution

Act of 1996 and the Plan of Action on Preventing and Combating Commercial Sexual Exploitation. It expresses its concern, however, at the wide occurrence of sexual exploitation including child prostitution, sex tourism and child pornography in the State party.

886. Despite the State party's intensified efforts to combat trafficking in children, such as the establishment in March 2005 of the National Committee on Prevention and Suppression of Human Trafficking, the adoption of a six-year national policy and plan of action to address the issue of trafficking in children and women in 2003 and the conclusion of memoranda of understanding with neighbouring countries, the Committee expresses its deep concern that Thailand is a source, transit and destination country for trafficking in children for the purposes of sexual exploitation and forced labour. It notes with concern the reported cases of internal trafficking, such as trafficking of girls belonging to indigenous and tribal peoples from north to south. It further notes with concern the increased risk of trafficking and exploitation faced by children of vulnerable groups, as well as the deportation of child trafficking victims. Furthermore, weak law enforcement and implementation of anti-trafficking measures in the State party give cause for serious concern.

**887. The Committee urges the State party to strengthen its efforts to provide adequate assistance and social reintegration services for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

888. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) **Strengthen measures to combat all forms of trafficking within the country and across its borders by ensuring effective enforcement of the relevant legislation;**

(b) **Strengthen and expand bilateral and multilateral agreements and cooperation programmes with other countries of origin and transit to prevent trafficking in children;**

(c) **Ensure that all trafficking cases are investigated and that perpetrators are charged and punished;**

(d) **Ensure that child victims of trafficking are protected and not criminalized and that they are provided with adequate recovery and social reintegration services and programmes;**

(e) **Pay particular attention to the existing risk factors, such as the increasing sex tourism in the region, and continue to collaborate with the Tourism Authority of Thailand (TAT) and tourism service providers in this respect;**

(f) **Continue to raise public awareness about the negative effects of child trafficking and train professionals working with and for children as well as the general public to combat and prevent trafficking in children;**

**(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and**

**(h) Strengthen cooperation, among others, with the ILO/IPEC, International Organization for Migration and non-governmental organizations.**

#### **Administration of juvenile justice**

889. The Committee welcomes the recent amendment to the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 that entered into force in February 2005, which stipulates that procedures for Juvenile and Family Courts must be applied in all Criminal Courts in provinces where such Courts do not exist. It notes the recent Ministerial regulation prohibiting corporal punishment in penal institutions. The Committee also welcomes the use of shelter houses, as well as diversion programmes for juvenile offenders and the Family Group Conferencing programme, which promote the concept of restorative justice. The Committee notes that approximately 4,500 juvenile offenders are sent to detention centres every year. It is concerned, however, that children continue to be housed with adults in detention due to a lack of juvenile detention facilities in some areas. It also reiterates its concern at the low minimum age of criminal responsibility (7 years).

890. **The Committee reiterates its previous recommendation and urges the State party to ensure that its legislation and practice concerning juvenile justice is in full compliance with the provisions of the Convention, in particular articles 37, 39 and 40 as well as other relevant international standards in this area such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113) and the Guidelines for Action on Children in the Criminal Justice System (annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In this regard, the Committee recommends that the State party:**

**(a) Amend the relevant provisions of its Penal Code to increase the minimum age of criminal responsibility to an internationally acceptable standard;**

**(b) Amend its national legislation to reinforce the prohibition against the use of corporal punishment in penal institutions;**

**(c) Ensure that detained persons below 18 years are always separated from adults, and that deprivation of liberty is used only as a last resort for the shortest appropriate time and in appropriate conditions;**

**(d) Expedite the provision of separate facilities and/or separate cells in detention facilities for persons below 18 to ensure that they exist in all districts, and to provide educational, vocational and therapeutic programmes for those incarcerated;**

- (e) Continue to implement alternative measures to detention such as diversion, probation, counselling, family and community group conferencing, community service or suspended sentences;**
- (f) Support and reinforce prevention strategies and measures, particularly with regard to vulnerable children;**
- (g) Support community-based programmes and services to assist children in conflict with the law and their reintegration with society; and**
- (h) Seek technical cooperation from, inter alia, UNICEF and OHCHR.**

#### **Children belonging to indigenous and minority communities**

891. The Committee expresses its concern about the situation of children belonging to indigenous, tribal and minority communities who are subject to both stigmatization and discrimination. In particular, it is concerned about widespread poverty among indigenous peoples and minorities and the limited enjoyment of their human rights, in particular, concerning their access to social and health services and education. The Committee is also concerned that many indigenous and minority children are stateless and/or have no birth registration and are at increased risk for abuse and exploitation. It further notes that there is at present insufficient demographic data on the hill-tribe population in Thailand.

892. **The Committee recalls the State party's obligations under articles 2 and 30 of the Convention and recommends that it ensure the full enjoyment, by indigenous and minority children, of all of their human rights equally and without discrimination. In this regard, the Committee urges the State party to take adequate measures to protect the rights of indigenous and minority children to preserve their historical and cultural identity, customs, traditions and languages, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of indigenous children in September 2003. It also urges the State party to continue to develop and implement policies and programmes in order to ensure equal access to culturally appropriate services, including social and health services and education. The Committee also recommends that the State party ensure access to birth registration for all indigenous and minority children and continue to implement measures to address the issue of statelessness. The Committee further recommends that the State party conduct a demographic survey of the hill-tribe population and of all other minority and indigenous groups, disaggregating data by sex, age and province.**

#### **9. Optional Protocols to the Convention on the Rights of the Child**

893. **The Committee welcomes the State party's accession to the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in January 2006. It notes the Cabinet's recent decision to become party to the Optional Protocol on the involvement of children in armed conflict and recommends that the State party ratify that Optional Protocol.**

## **10. Follow-up and dissemination**

### **Follow-up**

894. The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet, the Parliament, to the relevant ministries and to provincial and district authorities, when applicable, for appropriate consideration and further action.

### **Dissemination**

895. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

896. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report of its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third and fourth reports in one consolidated report by 25 April 2009, the due date of the fourth report. This consolidated report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

## **IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES**

897. Before and during the meeting of the pre-sessional working group and the session, the Committee held various meetings with United Nations bodies and specialized agencies, as well as with other competent bodies, in the framework of its ongoing dialogue and interaction with those bodies in the light of article 45 of the Convention. The Committee met with:

- UNICEF to discuss the outline for the 2006 day of general discussion;
- UNICEF-Innocenti Research Center (IRC) to discuss the IRC workplan for 2006-2009;
- The joint coordinator of the Global Initiative to End All Corporal Punishment of Children, to discuss the general comment of the Committee on corporal punishment.

## **V. METHODS OF WORK OF THE COMMITTEE**

898. At its 1098th meeting, held on 17 January 2006, the Committee held an informal meeting with States parties and discussed issues related to modalities of work in two chambers and consideration of reports under the two Optional Protocols to the Convention, the reform of the treaty bodies, modalities relating to its country visits and workshops on follow up to the implementation of its concluding observations.

## **VI. GENERAL COMMENTS**

899. The Committee discussed the advancement of drafts of its four forthcoming general comments on: juvenile justice; the rights of indigenous children; the rights of children with disabilities and on corporal punishment.

## **VII. BIENNIAL REPORT TO THE GENERAL ASSEMBLY**

900. At its 1120th meeting the Committee considered its biennial report to the General Assembly (A/61/41) and adopted the report unanimously.

## **VIII. FUTURE MEETINGS**

901. The following is the draft provisional agenda for the forty-second session of the Committee:

1. Adoption of the agenda.
2. Organizational matters.
3. Submission of reports by States parties.
4. Consideration of reports of States parties.
5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. General comments.
8. Future meetings.
9. Other matters.

## **IX. OTHER MATTERS**

902. At its 1120th meeting, held on 27 January 2006, the Committee considered the draft report on its forty-first session. The report was adopted unanimously by the Committee.

**Annex I**

**MEMBERSHIP OF THE COMMITTEE ON  
THE RIGHTS OF THE CHILD**

| <u>Name of member</u>                | <u>Country of nationality</u> |
|--------------------------------------|-------------------------------|
| Ms. Ghalia Mohd Bin Hamad AL-THANI** | Qatar                         |
| Ms. Joyce ALUOCH**                   | Kenya                         |
| Ms. Alison ANDERSON*                 | Jamaica                       |
| Mr. Jakob Egbert DOEK*               | Netherlands                   |
| Mr. Kamel FILALI*                    | Algeria                       |
| Ms. Moushira KHATTAB*                | Egypt                         |
| Mr. Hatem KOTRANE*                   | Tunisia                       |
| Mr. Lothar Friedrich KRAPPMANN*      | Germany                       |
| Ms. Yanghee LEE**                    | Republic of Korea             |
| Mr. Norberto LIWSKI*                 | Argentina                     |
| Ms. Rosa Maria ORTIZ*                | Paraguay                      |
| Ms. Awa N'Deye OUEDRAOGO*            | Burkina Faso                  |
| Mr. David Brent PARFITT**            | Canada                        |
| Mr. Awich POLLAR**                   | Uganda                        |
| Mr. Kamal SIDDIQUI**                 | Bangladesh                    |
| Ms. Lucy SMITH**                     | Norway                        |
| Ms. Nevena VUCKOVIC-SAHOVIC**        | Serbia and Montenegro         |
| Mr. Jean ZERMATTEN**                 | Switzerland                   |

\* Term expires on 28 February 2007

\*\* Term expires on 28 February 2009

## **Annex II**

### **To speak, participate and decide - the child's right to be heard**

#### **OUTLINE FOR THE 2006 DAY OF GENERAL DISCUSSION**

1. On 15 September 2006 during its forty-third session, the Committee on the Rights of the Child will devote its annual day of general discussion (DGD) to "Speak, participate and decide - The child's right to be heard". The Committee decided to take up this topic at its fortieth session (12-30 September 2005) pursuant to rule 75 of its provisional rules of procedures.
2. The purpose of the days of general discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. After the discussion the Committee adopts recommendations, taking into account the issues raised. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions as well as individual children and experts are invited to take part.

#### **Approach and objectives for the day of general discussion**

3. In its consideration of the reports of States parties on implementation of the Convention on the Rights of the Child, the Committee has systematically stressed the importance of children's right to express their views in all matters affecting them, with those views being given due weight in accordance with the age and maturity of the child. The Committee has identified this right as one of the four general principles of the Convention. This means that the implementation of article 12 is an integral part of the implementation of the other articles of the Convention, as well as a free standing right of the child.
4. The purpose of the day of general discussion, therefore, is:
  - To explore the meaning of article 12; its linkages to the other articles (in particular arts. 3, 9, 10, 11, 13, 15, 16, 19, 20, 22, 30 and 31); and the implications of the article for child participation - both as individuals and a collective constituency - in all aspects of society;
  - To focus on identifying the gaps, certain good practices, and priority issues that need to be addressed in order to further the enjoyment of the right of the child to be heard and to have those views taken into account, in a manner consistent with the Convention;
  - To promote child participation and opportunities at all levels in the home, school, community and wider society, as well as in emergencies, conflict and post conflict situations.



5. In order to facilitate an in-depth discussion of these issues, the Committee has decided to convene two working groups which should focus on the following sub-themes.

**Group 1: The child's right to be heard in judicial and administrative proceedings**

6. This group will focus on the individual child's right to be heard in any judicial or administrative proceedings affecting her or him as provided for in article 12. Such proceedings can be related to civil and criminal law, family and alternative care, protection, health, immigration status and schooling among others. In particular, the working group will clarify how this right is currently implemented, what the major stumbling blocks are in implementation, and whether specific standards need to be elaborated. It will also address questions including:

- What mechanisms and practical measures must be in place to afford children the opportunity to be heard in an appropriate and credible manner? What training is necessary and for whom?
- To what extent does the right to be heard in judicial or administrative proceedings include the right to be informed of decisions and their implementation? Can the right to be heard be waived by the child?
- Who determines when such mechanisms to ensure that the child can be heard are initiated? And how do they give the child's views "due weight in accordance with the age and maturity of the child", and on what basis?
- Are specific procedures and legal provisions necessary to guarantee the child's right to be heard as a witness in a legal procedure? If so, which kind of measures should be considered? In this regard: does it make a difference whether it is a civil or criminal law procedure? If so, in which way?
- Should minimum standards for the exercise of the right to be heard in judicial and administrative proceedings be established and how could such standards be applied in emergencies, conflict and post-conflict situations?

**Group 2: Children as active participants in society**

7. This group will focus on the child's right to express views in various settings, such as the family, school, associations and politics, and become active participants in decision-making processes in these settings. In this context articles 13 and 15 of the CRC are of particular relevance. It will consider children both as individuals and as a specific constituency. It will also seek to identify the current situation related to this broader aspect of child involvement in society, the main obstacles in ensuring children actively participate and ways forward. The influence of social movements in advancing the right of the child to be heard will be taken into account. Questions to be addressed include:

- How have children been active as participants in society (concrete examples) and what is their assessment of such participation?

- How and when can direct participation by children move from consultations to active partnerships and mobilized children become initiators of an action or project?
- What mechanisms can be created to foster participation of children in school, associations and community settings?
- How can the effectiveness of children's participation be evaluated?
- How can an enabling environment conducive to child participation be created?
- Should child-led and youth groups and organizations be given legal status or recognition?
- Should children be able to participate fully in political processes before the age of 18?

### **Children as active participants in the day of general discussion**

8. It is recommended that where possible, children and their organizations/networks be involved in the day of general discussion as participants.

### **Participation in the day of general discussion**

9. Days of general discussion are public annual meetings at which representatives of Governments, United Nations bodies and specialized agencies, national human rights institutions, non-governmental organizations, including youth groups, as well as individual experts are welcome. The meeting will be held during the forty-third session of the Committee, at the Office of the United Nations High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 15 September 2006.

10. The format of the day of general discussion is meant to allow participants to exchange views in a frank and open dialogue. However, due to time constraints, the Committee asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information (*including from children*) about the main difficulties, good practices and areas for and modalities of action related to child participation within the two working groups.

*Contributions should be sent before 30 June 2006 electronically to:*

[CRCgeneraldiscussion@ohchr.org](mailto:CRCgeneraldiscussion@ohchr.org)

Secretariat, Committee on the Rights of the Child  
Office of the United Nations High Commissioner for Human Rights,  
UNOG-OHCHR  
CH-1211 Geneva 10  
Switzerland

**Expected outcomes**

11. The CRC Committee will adopt recommendations based on the presentations on the theme and the two working groups. It is expected that the day of general discussion and the subsequent recommendations will identify specific issues and principal concerns to be further studied and also provide inputs in the drafting process of a general comment on article 12, which is being developed by the CRC Committee in cooperation with UNICEF.

**More information?**

12. For more information on submission and registrations, please see the guidelines posted on the Committee's webpage at:

<http://www.ohchr.org/english/bodies/crc/discussion.htm>

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