



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
Forty-second session  
15 May-2 June 2006

**REPORT ON THE FORTY-SECOND SESSION**

**(Geneva, 15 May-2 June 2006)**

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. ORGANIZATIONAL AND OTHER MATTERS .....	1 - 13	3
A. States parties to the Convention .....	1 - 2	3
B. Opening and duration of the session .....	3	3
C. Membership and attendance .....	4 - 7	3
D. Agenda .....	8	4
E. Pre-sessional working group .....	9 - 11	4
F. Organization of work .....	12	5
G. Future regular meetings .....	13	5
II. REPORTS SUBMITTED BY STATES PARTIES .....	14 - 23	5
A. Submission of reports .....	14 - 23	5
III. CONSIDERATION OF REPORTS OF STATES PARTIES ...	24 - 847	7
IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES .....	848	181
V. METHODS OF WORK OF THE COMMITTEE .....	849	182
VI. GENERAL COMMENTS .....	850 - 851	182
VII. FUTURE MEETINGS .....	852	183
VIII. OTHER MATTERS .....	853	183

### Annex I

I. Membership of the Committee on the Rights of the Child .....		184
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## **I. ORGANIZATIONAL AND OTHER MATTERS**

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

1. As at 2 June 2006, the closing date of the forty-second 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 on [www.ohchr.org](http://www.ohchr.org) and [untreaty.un.org](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 107 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 107 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 [untreaty.un.org](http://untreaty.un.org).

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

3. The Committee on the Rights of the Child held its forty-second session at the United Nations Office at Geneva from 15 May to 2 June 2006. The Committee held 37 meetings. An account of the Committee's deliberations at its forty-second session is contained in the relevant summary records (see CRC/C/SR.1121 to SR.1157).

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

4. Two members of the Committee were not able to attend the forty-second session: Ms. Aluoch and Ms. Anderson. 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. Ghaliya Mohd Bin Hamad Al-Thani (22 and 30-31 May and 1-2 June); Ms. Moushira Khattab (29 May and 2 June); Mr. Hatem Kotrane (29 May-2 June); Ms. Yanghee Lee (15-16 May).

5. 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) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

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

7. 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*

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

#### **D. Agenda**

8. At its 1121st meeting, on 15 May 2006, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/42/1):

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. Future meetings.
9. Other matters.

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

9. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 30 January to 3 February 2006. All the members except Ms. Al-Thani and Ms. Lee 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.

10. 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.

11. Mr. Jakob Egbert Doek and Ms. Moushira Khattab chaired the two chambers of the pre-sessional working group, which held 11 meetings, at which it examined lists of issues put before it by members of the Committee relating to the initial report of Turkmenistan (CRC/C/TKM/Q/1), the second periodic reports of four countries (Latvia (CRC/C/LVA/Q/2), Marshall Islands (CRC/C/MHL/Q/2), United Republic of Tanzania (CRC/C/TZA/Q/2), and Uzbekistan (CRC/C/UZB/Q/2)) and three third periodic reports (Colombia (CRC/C/COL/Q/3), Lebanon (CRC/C/LBN/Q/3), and Mexico (CRC/C/MEX/Q/3)), the initial reports submitted to the Committee on the Optional Protocol on the involvement of children in armed conflict (Belgium (CRC/C/OPAC/BEL/Q/1), Canada (CRC/C/OPAC/CAN/Q/1), Czech Republic (CRC/C/OPAC/CZE/Q/1) and El Salvador (CRC/C/OPAC/SLV/Q/1)), and the Optional Protocol on the sale of children, child prostitution and child pornography (Qatar (CRC/C/OPSC/QAT/Q/1) and Turkey (CRC/C/OPSC/TUR/Q/1)) and Iceland for both Optional Protocols (CRC/C/OPAC/ISL/Q/1 and CRC/C/OPSC/ISL/Q/1). 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 5 April 2006.

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

12. The Committee considered the organization of its work at its 1121st meeting, held on 15 May 2006. The Committee had before it the draft programme of work for the forty-second session, prepared by the Secretary-General in consultation with the Chairperson of the Committee.

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

13. The Committee decided that its forty-third session would take place from 11 to 29 September 2006 and that its pre-sessional working group for the forty-fourth (and partly for the forty-fifth) session would meet from 2 to 6 October 2006.

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

### **A. Submission of reports**

14. 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/42/2).

15. The Committee was informed that, between its forty-first and forty-second sessions, the Secretary-General had received the combined second and third periodic report of the Maldives (CRC/C/MDV/3).

16. 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: Norway (CRC/C/OPAC/NOR/1), Sweden (CRC/C/OPAC/SWE/1) and Kyrgyzstan (CRC/C/OPAC/KGZ/1).

17. 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: Kyrgyzstan (CRC/C/OPSC/KGZ/1), the Sudan (CRC/C/OPSC/SDN/1) and Ukraine (CRC/C/OPSC/UKR/1).

18. As at 2 June 2006, the Committee had received 190 initial reports, 99 second periodic reports and 19 third periodic reports. A total of 289 reports have been considered by the Committee. The Committee further received 18 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and 22 under the Optional Protocol on the involvement of children in armed conflict. To date, the Committee considered 13 initial reports under the Optional Protocol on the involvement of children in armed conflict and 9 under the Optional Protocol on the sale of children, child prostitution and child pornography.

19. At its forty-second session, the Committee examined periodic reports submitted by seven States parties under article 44 of the Convention. It also considered six initial reports under the Optional Protocol to the Convention on the involvement of children in armed conflict and four under the Optional Protocol on the sale of children, child prostitution and child pornography.

20. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its forty-second session: Colombia (CRC/C/129/Add.6); Italy (CRC/C/OPAC/ITA/1) and (CRC/C/OPSA/ITA/1); Latvia (CRC/C/83/Add.16); Iceland (CRC/C/OPAC/ISL/1) and (CRC/C/OPSA/ISL/1); the United Republic of Tanzania (CRC/C/70/Add.26); Canada (CRC/C/OPAC/CAN/1); Lebanon (CRC/C/129/Add.7); Mexico (CRC/C/125/Add.7); El Salvador (CRC/C/OPAC/SLV/1); Qatar (CRC/C/OPSC/QAT/1); Uzbekistan (CRC/C/104/Add.6); Turkmenistan (CRC/C/TKM/1); Belgium (CRC/C/OPAC/BEL/1); Turkey (CRC/C/OPSC/TUR/1); and Czech Republic (CRC/C/OPAC/CZE/1).

21. 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. In accordance with the Committee's decision No. 8 adopted at its thirty-ninth session, States have the option of a technical review if they were reporting under the Optional Protocol to the Convention on the involvement of children in armed conflict. This possibility was used by Belgium, Canada and the Czech Republic.

22. The Committee decided to postpone the consideration of the second periodic report of the Marshall Islands due to the absence of a delegation. The consideration of the report has been rescheduled to the forty-fourth session of the Committee.

23. 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: Colombia

24. The Committee considered the third periodic report of Colombia (CRC/C/129/Add.6) at its 1147th and 1149th meetings (see CRC/C/SR.1147 and CRC/C/SR.1149), held on 26 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

#### A. Introduction

25. The Committee welcomes the submission of the State party's third periodic report, the detailed written replies to its list of issues (CRC/C/COL/Q/3) and the frank and open dialogue with a high-level, cross-sectional delegation, which enabled the Committee to have a clear understanding of the situation of children in the State party.

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

26. The Committee notes with appreciation:

- (a) The destruction of landmines belonging to the army in 2004;
- (b) Initiatives to combat child labour and the implementation of National Action Plans with ILO-IPEC;
- (c) Decisions of the Constitutional Court on the responsibility to attend to the displaced population (T-025 of 2004) and the partial decriminalization of abortion (C-355 of 2006);
- (d) Legislation to counteract sexual exploitation, pornography and sexual tourism with children by the adoption of Law 679 in 2001;
- (e) The presence of and collaboration with OHCHR in Colombia.

27. 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, on 25 June 2005, and on the sale of children, child prostitution and child pornography, on 11 November 2003;
- (b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 4 August 2004;

(c) ILO Conventions No. 138 (1973) concerning the Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, respectively, on 2 February 2001 and on 28 January 2005; and

(d) The Rome Statute of the International Criminal Court, on 5 August 2002.

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

28. The Committee notes that poverty, unequal distribution of resources and the long-standing internal armed conflict in Colombia have negatively affected the implementation of the rights guaranteed in the Convention.

### **D. Main 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**

29. The Committee notes that some concerns and recommendations (CRC/C/15/Add.137 of 16 October 2000) made upon the consideration of the State party's second periodic report (CRC/C/70/Add.5) have been addressed. However, it regrets that several of its concerns and recommendations have been insufficiently or only partly addressed, including those related to children's rights and the peace process, legislation, data collection, financial resources, non-discrimination, the right to life, birth registration, freedom from torture, physical and sexual abuse of children within and outside the family, regional disparities in access to health care, reproductive health, limited access to education, especially affecting Afro-Colombian and indigenous children, children affected by armed conflict, internally displaced children, sexual exploitation and trafficking.

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

#### **Legislation and implementation**

31. The Committee welcomes the incorporation of numerous articles on child rights into the Constitution, which also affirms that international instruments ratified by Colombia prevail over domestic legislation. The Committee regrets, however, that the reform of the inadequate Minors' Code of 1989 has not yet been completed despite 10 years of debate and numerous calls by United Nations entities for amendments in order to bring national legislation in line with the obligations undertaken by the ratification of the Convention of the Rights of the Child. In particular, the Committee notes that the draft law to reform the Minors' Code currently under consideration in the Congress, needs to adequately address the following four areas of concern in order to be in conformity with the Convention: juvenile justice, adoption, work and protection against abuse of children.

32. **The Committee reiterates its concern in this regard and recommends that the State party promptly complete the process of reform of the Minors' Code in order to provide effective protection of the rights of all children in Colombia, taking into account the following four areas of concern in order to bring them into conformity with the Convention: juvenile justice, adoption, work and protection against abuse of children.**

33. Furthermore, the Committee is concerned that the domestic violence law of 2004, which fails to incorporate sexual abuse on the grounds that it constitutes physical abuse and as such is already covered in the Criminal Code, will have serious implications for the welfare and protection of Colombian children as it disregards the serious nature of sexual abuse and its impact on victims.

34. **The Committee recommends that the State party reinstate sexual violence as part of domestic violence legislation in accordance with international legal obligations, including article 19 of the Convention on the Rights of the Child.**

#### **National plan of action**

35. The Committee takes note of the ongoing development of a National Plan of Action.

36. **The Committee recommends that the State party adopt a National Plan of Action for children in consultation with a civil society and all sectors involved in the promotion and protection of children's rights, with the aim of implementing the principles and provisions of the Convention, and taking into account, inter alia, the Plan of Action "A world fit for children" adopted by the General Assembly special session in May 2002. The Committee also recommends that adequate resources be allocated both at national and local levels for the implementation of the National Plan of Action.**

#### **Coordination**

37. The Committee, while recognizing increased efforts to seek cooperation with departmental and municipal authorities, is concerned that the Colombian Institute for Family Welfare (Instituto Colombiano de Bienestar Familiar, or ICBF) lacks stable and sufficient resources, as well as regional and municipal presences in order to effectively coordinate prevention activities and comprehensive protection of children's rights.

38. **The Committee recommends that the State party provide stable and adequate financial and human resources in order for the Colombian Institute for Family Welfare (ICBF) to comprehensively coordinate children's rights and in order to establish its presence throughout the country.**

39. The Committee is concerned that departmental and municipal authorities fail to shoulder their responsibility to include and prioritize resources for children in their policy and budget planning.

40. **The Committee notes that departmental and municipal authorities should ensure that due consideration is given to their responsibilities and that adequate resources be**

**allocated for children's issues in their budgets. The Committee suggests that departmental and municipal authorities request technical cooperation from UNICEF in order to strengthen their capacity to integrate a child rights perspective in their administration.**

### **Independent monitoring**

41. The Committee notes that the national human rights institution, the *Defensoría del Pueblo*, has a unit for children's rights and sustains regional offices in all 32 departments. However, the Committee is concerned that large parts of the country, especially rural areas with high percentages of Afro-Colombian, indigenous and displaced populations, lack the presence of civilian authorities, notably the *Defensoría del Pueblo*, in order to effectively monitor children's human rights situation.

42. **The Committee values the role played by national human rights institutions and, in light of its general comment No. 2 (2002) on national human rights institutions and the Paris Principles (General Assembly resolution 48/134, annex), requests that the State party provide adequate resources to effectively carry out its mandate and to extend its representation nationwide, including to the most vulnerable areas, in order to ensure that all children have effective remedies in case of violations of their rights.**

### **Resources for children**

43. The Committee regrets the lack of clear information on budget allocations and is concerned that one of the major causes of poverty in Colombia is the unequal distribution of State funds, which severely impacts on the well-being of children, in particular affecting those from more vulnerable sectors of society. In particular, the Committee is deeply concerned over the declining expenditure for education, health and welfare services, all essential to the realization of the right of the child.

44. **The Committee strongly 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, ensure a more balanced distribution of resources throughout the country and prioritize budgetary allocations to ensure implementation of the economic, social and cultural rights of all children, including those belonging to financially disadvantaged groups, such as Afro-Colombian and indigenous children.**

### **International cooperation**

45. The Committee welcomes the presence and mandate of OHCHR in Colombia and notes the commitment of the State party to further implementation of the recommendations of OHCHR and the intention, asserted by the State party during the session, to extend the mandate.

46. **The Committee encourages the State party to further the implementation of the recommendations issued by OHCHR and strongly recommends that the comprehensive mandate of OHCHR in Colombia be extended for an additional four years.**

47. The Committee recognizes the international cooperation that Colombia is receiving in a number of initiatives to end the armed conflict. However it notes that certain components of such support fail to take into account the impact it has on children.

48. **The Committee recommends that the State party consider the rights of the child in the development of all cooperation activities seeking to end the armed conflict.**

#### **Data collection**

49. While the Committee welcomes the statistical data and information provided in the report and the written replies, it is concerned that disaggregated data is lacking, in particular regarding vulnerable groups and disparities between urban and rural areas. The absence of such information is a serious obstacle in order to identify the challenges remaining and the remedial measures required.

50. **The Committee recommends that the State party continue to strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by groups of children who are in need of special protection, including female, displaced, Afro-Colombian and indigenous children.**

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

51. The Committee is concerned that the State party has undertaken insufficient measures to disseminate information about the content of the Convention to the general public and in particular to children themselves. Training for professionals working in child rights-related fields, on the duties and responsibilities stemming from the Convention, remains seriously lacking.

52. **The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness, in particular among children themselves and parents, about its principles and provisions. Cooperation with civil society organizations, academic centres, media and NGOs should be developed for this purpose.**

53. **Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization about children's rights of professional groups working with and for children, in particular law-enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to seek technical assistance from UNICEF and the Inter-American Institute for the Child for the training of professionals.**

#### **Cooperation with civil society**

54. The Committee is concerned that the role of civil society and in particular of NGOs is rather limited in the promotion and implementation of the Convention on the Rights of the Child. The Committee considers that the State party does not take fully into account the importance of an active and diverse civil society. In addition, the Committee regrets that the work of human rights advocates has been impugned by senior officials.

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

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

56. The Committee is concerned that the minimum age for marriage is too low and discriminatory, as it is set at 12 years for girls and 14 years for boys. Child marriages and early pregnancies have a serious detrimental effect on the health, education and development of the girl child.

57. **The Committee recommends that the State party reform its legislation and practice to increase the minimum age for marriage either with or without parental consent to an internationally acceptable age, for both girls and boys, in accordance with 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).**

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

### **Non-discrimination**

58. The Committee is deeply concerned that widespread discrimination exists towards certain vulnerable groups, such as displaced children, Afro-Colombian and indigenous children and children living in rural and remote areas. Their ability to access education and health facilities is severely reduced by the disproportionate allocation of resources. The Committee is concerned that such vulnerable groups are at greater risk of recruitment by the armed forces as well as of commercial and sexual exploitation, internal displacement and trafficking. The Committee is further concerned that the rights of girls and women continue to be violated.

59. **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 gender, ethnic, religious or any grounds and against all vulnerable groups throughout the country.**

60. **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 provide special protection to vulnerable groups including girls, indigenous and Afro-Colombian children and to follow up on the Declaration and Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

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

61. The Committee is concerned that current legislation and policy fail to take into account the principle of the best interests of the child.

**62. The Committee recommends that the State party fully incorporate the principle of the best interests of the child in all programmes, policies, judicial and administrative procedures, and in particular in the reform of the Minors' Code and the development of a National Plan of Action.**

### **Right to life**

63. The Committee expresses grave concern at the continuously high incidence of children victims of extrajudicial killings, homicides and massacres as a consequence of the armed conflict. Children continue to be victims of disappearances and social cleansing, in particular due to their stigmatization as displaced. The Committee is concerned over ongoing killing of hundreds of children in the areas of Ciudad Bolívar and Soacha, on the outskirts of Bogotá. Finally, the Committee notes that the links between public officials and members of illegal armed groups, in particular the paramilitaries, have yet to be severed.

**64. The Committee urges the State party to take, as a matter of priority, effective measures and action to protect the civilian population from all forms of violations, especially those affecting children, and reminds the State party that failure to act and prevent such violations may incur responsibility. Furthermore, the Committee urges the State party to put an end to links between public officials and members of illegal armed groups, in particular the paramilitaries, as these still exist.**

65. The Committee notes that despite setting up an early warning system to prevent serious human rights violations, the State party has failed to take effective preventive action, resulting in the loss of life of civilians, including children.

**66. The Committee urges the State party to take effective preventive measures, following the identification of risk situations in the early warning system, in order to prevent the loss of life due to omission by the authorities to act.**

67. The Committee is concerned over numerous instances of violence by the regular military forces whereby children have been killed, including cases where children have been falsely reported as killed in combat by the army. Finally, the Committee notes with concern the unbroken pattern of impunity and the continuous tendency to refer serious violation of human rights to the military justice system.

**68. The Committee urges the State party to break the legacy of impunity and urgently conduct criminal investigations of human rights violations in cases whereby children have lost their lives and ensure that the perpetrators are brought to justice as a matter of the highest priority. Furthermore, the Committee requests that the State party respect its international legal obligations in relation to fair trials and ensure that all investigations are carried out independently and impartially.**

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

69. The Committee notes that the views of children are inadequately taken into account in the family, schools and other institutions.

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

## **4. Civil rights and freedoms (arts. 7, 8, 113-17 and 37 (a) of the Convention)**

### **Birth registration**

71. The Committee notes the efforts undertaken together with various United Nations agencies in order to improve the rate of birth registration, however it is concerned that 20 per cent of all Colombian children continue to lack birth registration, especially in rural areas and among Afro-Colombian and indigenous populations.

72. **The Committee reiterates its previous recommendation (CRC/C/15/Add.137, para. 37) urging the State party to prioritize the immediate registration of the births of all children, and to promote and facilitate the registration of those children who were not registered at birth, in the light of article 7 of the Convention. The Committee recommends that the State party modernize and ensure the proper operation of the Registrar's Office, including by providing it with the necessary resources in order to cover rural areas. The Committee encourages the State party to continue cooperation with United Nations agencies in order to improve birth registration.**

### **Torture**

73. The Committee is seriously concerned that children continue to be victims of torture, cruel and degrading treatment. The Committee notes that, although members of illegal armed groups bear primary responsibility, State agents, including members of the military, are also implicated. The Committee is especially concerned over the situation in rural areas where children are at risk as a consequence of the ongoing internal armed conflict. In particular, the Committee expresses concern regarding the increasing number of girls who are subjected to sexual violence and is disturbed by numerous reports of rapes committed by members of the military. The Committee is also concerned about other forms of torture and cruel, inhuman and degrading treatment by law-enforcement officials, including in detention facilities, and also over abuses in institutional care.

74. **The Committee urges the State party to take effective measures to protect children from torture and other cruel, inhuman or degrading treatment. The Committee emphasizes the urgent need to investigate and sanction all reported cases, committed by the military, law-enforcement officials or any person acting in an official capacity, in order to break the pervasive cycle of impunity of serious human rights violations. The Committee**

**recommends that the State party ensure that all child victims of torture, cruel and degrading treatment are provided access to physical and psychological recovery and social reintegration as well as compensation, giving due consideration to the obligations enshrined in articles 38 and 39 of the Convention.**

**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)**

**Family support**

75. The Committee expresses concern over the lack of resources and support for vulnerable children in areas where the Colombian Institute for Family Welfare (ICBF) has no presence, resulting in children being at higher risk of exploitation, abuse and separation from their parents.

**76. The Committee recommends that the State party provide further support to families in order to prevent separation of children, e.g. in the form of counselling, parenting and financial allowances.**

**Alternative care**

77. The Committee takes note of the efforts undertaken in order to increase alternative-care placements in family settings, however the Committee remains concerned about the high number of children institutionalized for extensive periods of time.

**78. The Committee recommends that the State party promote foster care as a form of alternative care and suggests that institutionalization be used only as a measure of last resort, taking into account the best interests of the child. Furthermore, the Committee recommends proper resource allocation, functioning and monitoring of the care institutions, including those run by NGOs, and foster care as well as a periodic review of placement in conformity with article 25 of the Convention and the recommendations issued after the general day of discussion in 2005 on children without parental care.**

**Adoption**

79. The Committee is concerned over the large number of intercountry adoptions and that only half of these adoptions are administered by the Colombian Institute for Family Welfare (ICBF). The Committee is particularly concerned that the practice of private "Adoption Houses" increases the risk of profit-making in conjunction with adoptions and contravenes article 21 of the Convention.

**80. The Committee recommends that the State party ensure that all intercountry adoptions be administered through a central authority as stipulated in article 21 of the Convention and in accordance with the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, to which Colombia is a party. Also, the Committee recommends that the State party seek to prioritize domestic adoptions.**

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

81. The Committee is concerned that, despite government efforts such as the programme *Haz Paz (Make Peace)* set up to counter intrafamily violence, reports of violence against children, especially girls, in the family environment indicate an escalating trend. The Committee is particularly concerned over the lack of statistics, the limited number of investigations and sanctions in relation to such cases.

82. **The Committee urges the State party to:**

**(a) Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care;**

**(b) Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**

**(c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure their access to adequate services for recovery, counselling and other forms of reintegration;**

**(d) Support national coverage of the toll-free child helpline service, Teléfono Amigo, in order to be able to reach out to children in remote areas throughout the country.**

83. **In the context of the Secretary-General's in-depth study on the question of violence against children (E/CN.4/2005/75) 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 between 30 May and 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**

84. The Committee regrets the lack of statistics on the number of reported cases and is concerned that corporal punishment continues to occur in the school, the home and in institutions.

85. **The Committee recommends that the State party enforce 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 against corporal punishment and promote non-violent, participatory methods of**

**childrearing and education, while taking due account of the general comment No. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006).**

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

**Children with disabilities**

86. The Committee is concerned that the resources available for children with disabilities are inadequate. In particular, the Committee regrets the lack of information on recovery and rehabilitation measures available to children who have been the victims of landmines.

87. **The Committee recommends that the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):**

**(a) Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the General Assembly on 23 December 1993;**

**(b) Pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible;**

**(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, in particular taking into account children who have been victims of landmines.**

**Standard of living**

88. The Committee is seriously concerned over the growing gaps in the standard of living and the increasing number of children living in poverty or extreme poverty, also evidenced through the rising Gini coefficient, an international standard used to measure levels of inequality. The Committee is concerned over the high percentage of the population that lacks access to basic services and is particularly concerned over the vast discrepancy in the coverage of clean and running water as well as sewage systems in urban compared to rural areas. The inequalities in the standard of living present a serious obstacle to the equal enjoyment of the rights in the Convention.

89. **The Committee recommends that the State party prioritize and allocate sufficient funds in order to counteract the increasing inequality and effectively reduce the discrepancies in the standard of living, inter alia, between urban and rural areas. The Committee highlights the need to strengthen the capacity of departmental and municipal authorities to provide basic services. In particular, increased access to clean running water and sewage disposal should be a priority in rural areas.**

### **Health and medical services**

90. The Committee is concerned over the low levels and fluctuations in the public expenditure for health and is especially concerned over the limited access to the health-care system as approximately 40 per cent of the population remains uninsured. The Committee is concerned that young children constitute a substantial group among those who lack access to basic medical facilities.

91. In particular, the Committee is concerned that:

(a) Access to health and health services is unequal, especially in rural and remote areas of the country;

(b) The rates of maternal, infant and under-five mortality, despite some improvements, continue to be high, considering the level of development, and indicate strong regional disparities;

(c) Malnutrition continues to affect a large proportion of the displaced, the Afro-Colombian and indigenous populations;

(d) Despite considerable efforts to raise vaccination rates, the coverage remains unequal due to regional discrepancies;

(e) Mental health services are generally inadequate;

(f) The rate of breastfeeding is low.

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

(a) **As a matter of priority increase public expenditure assigned for the health sector and ensure that its distribution takes into account disadvantaged population groups and regions;**

(b) **Ensure that all children are adequately insured in order to have access to health services, in accordance with article 24;**

(c) **Take all possible measures to improve access to health services and strengthen its efforts to urgently tackle infant, child and maternal mortality throughout the country by the provision of quality care and facilities;**

(d) **Continue to address the problem of malnutrition and low vaccination rates, with special emphasis on rural and remote areas and among the displaced, the Afro-Colombian and the indigenous populations;**

(e) **Increase resources for mental health services;**

(f) **Increase awareness and encourage support for breastfeeding programmes.**

### **Adolescent health**

93. The Committee takes note of the ruling by the Constitutional Court on 10 May 2006 to liberalize the criminalization of abortion in certain cases, which is likely to lower the maternal mortality rates among adolescent girls. Nevertheless, the Committee is seriously concerned over the high and increasing rate of teenage pregnancies and at the lack of adequate and accessible sexual and reproductive health services, also due to inadequate allocation of resources in these sectors. In addition to causing risks to physical and mental health, the incidence of adolescent pregnancies also limits the personal development of the individual, has a detrimental affect on young women's ability to sustain themselves financially and creates a poverty trap with overall negative effects for society. Furthermore, the Committee is concerned over the rate of adolescent suicides.

94. **The Committee recommends that the State party promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health-care services, taking into due account the Committee's general comment No. 4 on adolescent health and development in the context of the Convention (CRC/GC/2003/4). Given the ruling of the Constitutional Court on 11 May 2006 to allow abortions in certain cases, the Committee encourages the State party to ensure that safe medical facilities are available for such instances. Furthermore, the Committee recommends that an appropriate strategy dedicate adequate resources to awareness-raising, counselling services and other measures in order to prevent adolescent suicides.**

### **Environmental health**

95. The Committee, while acknowledging the State party's legitimate priority to combat narcotics, is concerned about environmental health problems arising from the usage of the substance glyphosate in aerial fumigation campaigns against coca plantations (which form part of Plan Colombia), as these affect the health of vulnerable groups, including children.

96. **The Committee recommends that the State party carry out independent, rights-based environmental and social-impact assessments of the sprayings in different regions of the country and ensure that, when affected, prior consultation is carried out with indigenous communities and that all precautions be taken to avoid harmful impact of the health of children.**

### **HIV/AIDS**

97. The Committee is concerned over the increase of vertical transmission of HIV/AIDS from mother to child and the insufficient resources dedicated to prevention of HIV/AIDS among children.

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

(a) **Strengthen its measures to prevent mother-to-child transmission, inter alia, through awareness-raising campaigns among adolescents, in particular among those belonging to vulnerable groups such as the internally displaced and street children;**

**(b) Provide antiretroviral treatment to all HIV/AIDS-positive children, develop child-friendly counselling services and expand the coverage of HIV tests for pregnant women;**

**(c) Ensure the provision of adequate financial and human resources for the effective implementation of a strategic national plan against HIV/AIDS, 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);**

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

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

99. The Committee notes that free education for nine years in school is enshrined as a constitutional right, however, with the reservation that costs be levied upon those who can afford to pay. In practice this provision has created a discriminatory educational system marked by arbitrary fees and social exclusion. The Committee continues to have a number of serious concerns with regards to the implementation of the right to education, including the following:

(a) Budget allocations remain insufficient and unequally distributed between the private and public sector;

(b) A rights-based National Strategy of Education remains lacking;

(c) The quality of education remains low in the public system and disadvantages vulnerable groups in society;

(d) The persistence of hidden costs for administrative fees and costs for uniforms, materials and transport. This is demonstrated in a high and increasing dropout rate among vulnerable groups in society, in particular in rural areas;

(e) The policy of *etnoeducación* (bilingual education) for indigenous communities lacks coverage and is often done without sufficient consultation with the communities;

(f) Female students suffer discrimination and termination of their schooling as a consequence of early pregnancies and marriages. Schools continue to apply expulsion on the grounds of pregnancy despite a Constitutional Court ruling that such gender-based discrimination constitutes an infringement on the right to education;

(g) Statistics are still lacking on the coverage, dropout and completion rates according to urban/rural areas, ethnicity and sex;

(h) The high numbers of teachers killed, on average three each month, in the areas affected by the internal armed conflict, constitutes a serious impediment to the realization of the right to education;

(i) The recurrent usage of schools by State armed forces and establishment of military bases near schools creates military targets for illegal armed groups, making it impossible for children to receive education;

(j) The participation of children in military training activities and school study visits to military bases, in the context of the ongoing internal armed conflict, compromises the humanitarian law principle of distinction of the civilian population and puts children at risk of retaliation by members of illegal armed groups;

(k) The inclusion of human rights education in school curricula remains insufficient.

**100. The Committee urges that national legislation be amended to clearly reflect the right to free primary education and also recommends the State party to:**

**(a) Devote more resources to education in the national budget and to substantially increase the percentage of funds for the public sector;**

**(b) Develop a rights-based national strategy of education;**

**(c) Focus on an overall improvement of the quality of education provided, in particular in rural areas;**

**(d) Increase efforts to eliminate the discrimination in access to education by monitoring the effective abolition of enrolment fees and other costs in order to counteract high dropout and low completion rates. The Committee recommends the use of proactive measures, such as additional support to compensate for hidden costs, in order to combat the pervasive discrimination and social exclusion which affects vulnerable groups, such as children in rural areas, internally displaced, Afro-Colombian and indigenous children;**

**(e) Provide further resources and conduct prior consultations with indigenous communities in order to design and effectively provide them with bilingual and culturally sensitive education;**

**(f) Effectively monitor discrimination against female students who are expelled due to pregnancy and to sanction educational institutions that fail to comply;**

**(g) Compile statistics disaggregated by urban/rural areas, ethnicity and sex in order to monitor the impact of anti-discrimination measures;**

**(h) Provide protection for teachers by including them in the protection scheme of the Ministry of Interior and to investigate and punish cases of teachers who have been murdered;**

**(i) Cease immediately the occupation and usage of schools or the nearby establishment of military bases by State armed forces and further provide training on the principle of distinction and the protection of the civilian population in training of the police and military;**

**(j) Refrain from involving children in any military activities, including study visits to military bases or military events at schools, as such involvement, given the ongoing internal conflict, compromises the humanitarian law principle of distinction of the civilian population and places the children at risk of retaliation by members of illegal armed groups;**

**(k) Invest further resources in incorporating human rights education in school curricula in order to encourage awareness of rights and values which promote a culture of peace;**

**(l) Finally, the Committee recommends that the State party take due account of the recommendations of the Special Rapporteur on the right to education, in her 2003 mission report to the Commission on Human Rights (E/CN.4/2004/45/Add.2).**

#### **8. Special protection measures**

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

#### **Displaced children**

101. The Committee takes note of the State party's intention to increase resources for assistance to internally displaced children, however expresses grave concern of the very high number of children who continue to be displaced annually in Colombia. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), Colombia has the largest internally displaced population in the world, estimated in 2005 according to official figures at 1.7 million people and at more than 3 million according to non-official sources. The Committee shares the concern expressed by the Constitutional Court (T-025 of 2004) over the lack of targeted attention and assistance available for displaced children, especially since it is estimated that children constitute more than half of the displaced population. In addition, the Committee is concerned that inadequate attention is paid to the physical protection of internally displaced children and their need for psychosocial assistance in order to overcome the trauma of displacement.

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

**(a) Substantially increase the resources allocated for internally displaced persons and implement targeted programmes for children in order to provide them with adequate access to food, shelter, education and health services. In this respect the Committee recommends that the State party further strengthen its cooperation with UNHCR and fully adhere to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) and Constitutional Court decision T-025 of 2004;**

**(b) Pay additional attention to the psychosocial assistance required by children who have been displaced and provide further protection for girls against gender-based violence;**

**(c) Distribute humanitarian assistance by civilian authorities in order to maintain the principle of distinction and not to increase the vulnerability of the displaced population and those at risk of displacement by exposing them to subsequent retaliation by members of illegal armed groups.**

### **Children in armed conflict**

103. The Committee, while welcoming the ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict, is seriously concerned over the grave consequences the internal armed conflict has on children in Colombia, causing them serious physical and mental injury and denying them the enjoyment of their most basic rights. The Committee notes as positive the development of educational kits distributed to schools in high-risk conflict areas by the army, as well as certain efforts to improve the reintegration and recovery of demobilized child soldiers. However, the Committee considers that considerable measures for demobilized and captured child soldiers are still lacking. In particular, the Committee is concerned over:

(a) Large-scale recruitment of children by illegal armed groups for combat purposes and also as sex slaves;

(b) Interrogation of captured and demobilized child soldiers and delays by the military in handing them over to civilian authorities in compliance with the time frame of maximum 36 hours stipulated in the national legislation;

(c) The use of children by the army for intelligence purposes;

(d) Inadequate social reintegration, rehabilitation and reparations available for demobilized child soldiers;

(e) The number of children who have become victims of landmines;

(f) The failure of the current legal framework for the ongoing negotiation with the paramilitaries to take into account the basic principles of truth, justice and reparations for the victims;

(g) General lack of adequate transparency in consideration of aspects relating to children in the negotiations with illegal armed groups, resulting in continuous impunity for those responsible for recruitment of child soldiers.

**104. In order to improve the situation of children in the context of the ongoing internal armed conflict, the Committee recommends that the State party:**

**(a) Adequately monitor the compliance with the provisions of the Protocol to the Convention on the involvement of children in armed conflict, to which Colombia is a party and pay special attention, in accordance with the Protocol, to measures aiming at the prevention of recruitment and involvement of children by armed groups;**

**(b) Issue clear instruction and training to members of the military not to submit captured and demobilized child soldiers to interrogation and ensure that they be handed over to civilian authorities within the 36-hour timeline;**

**(c) Never use children for military intelligence purposes, as it places them at risk of being victims of retaliation by illegal armed groups;**

**(d) Substantially increase the resources for social reintegration, rehabilitation and reparations available to demobilized child soldiers as well as for child victims of landmines. Additional resources should be sought from international donors and technical assistance requested from OHCHR and UNICEF;**

**(e) Undertake necessary and targeted measures to locate and remove landmines;**

**(f) Take due account of the victimization of former child soldiers in peace negotiations with illegal armed groups as well as their accountability for such war crimes. Legal advice should be sought from OHCHR on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations, with special attention to the basic principles of truth, justice and reparations for the victims;**

**(g) Consider withdrawal of its reservation for a seven-year period to the Statue of the International Criminal Court on the jurisdiction of war crimes, which at present blocks accountability for those responsible for the recruitment of child soldiers and the planting of landmines.**

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

105. The Committee, while welcoming the initiatives of the State party, including a National Plan of Action for 2003-2006 to combat economic exploitation, with technical support from ILO, expresses concern at the high number of children who are victims of economic exploitation which according to official estimates surpasses 1.5 million children. In particular, the Committee is alarmed over the high number of children exposed to dangerous and/or degrading work such as agricultural labour in coca plantations and mining. The Committee regrets that the current legislation gives insufficient protection for children victims of economic exploitation.

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

**(a) Continue and reinforce the efforts, including by adequate budget allocations, to combat economic exploitation through the effective implementation of the National Action Plan, in collaboration with ILO and UNICEF;**

**(b) As a matter of urgency reform the Minors' Code of 1989 in order to give adequate legal protection against child labour, taking into account article 32 of the Convention, and ILO Conventions No. 138 and No. 182;**

**(c) Ensure that the Colombian Institute for Family Welfare (ICBF) conduct outreach activities in order to improve the life of children victims of economic exploitation.**

### **Street children**

107. The Committee is concerned at the very high number of street children in the State party, which according to official estimates were more than 10,000 in Bogotá in 2001, due to socio-economic factors, the internal armed conflict as well as abuse and violence in the family. The Committee is concerned over the vulnerability of these children to youth gangs but is particularly disturbed by threats posed by social cleansing.

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

(a) **Take effective measures to prevent social cleansing and other violence directed at street children;**

(b) **Carry out a comprehensive study to assess the scope, nature and causes of the presence of street children and youth gangs (*pandillas*) in the country in order to develop a policy for prevention;**

(c) **Provide street children with recovery and social reintegration services, taking into account their views in accordance with article 12, in particular by proactive outreach activities of the ICBF, taking due account of gender aspects, and provide them with adequate nutrition, housing, necessary health care and educational opportunities;**

(d) **Develop a policy for family reunification where possible and in the best interests of the child;**

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

### **Sexual exploitation and trafficking**

109. The Committee welcomes the measures taken by the State party to combat the problem of sexual exploitation and trafficking of children, including the reinforcement of the Penal Code by Law No. 679 of 2001 criminalizing sexual exploitation, sex tourism with minors, child pornography, with specific provisions regarding Internet providers, and Law No. 747 of 2002 banning trafficking of minors. However, the Committee is concerned over the high and rising number of children who are victims of sexual exploitation and trafficking, and over information indicating that they risk being criminalized. It further notes with concern the increased risk of sexual exploitation and trafficking faced by children of vulnerable groups, such as the internally displaced and children living in poverty. Furthermore, unequal law enforcement and lack of effective implementation of anti-trafficking measures in the State party give cause for serious concern.

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

(a) **Undertake further in-depth studies on the sexual exploitation of children in order to assess its scope and root causes and enable effective monitoring and measures to prevent, combat and eliminate it;**

(b) **Include adequate reference to child labour in the reformed Minors' Code 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;**

**(c) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children and in particular ensure that they are not criminalized;**

**(d) Take the necessary and effective implementation of measures and ensures equal enforcement of the law to avoid impunity;**

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

**(f) Seek further technical assistance from among others, UNICEF and ILO-IPEC (International Programme for the Elimination of Child Labour).**

### **Drug abuse**

111. The Committee is concerned over the high incidence of alcohol and drug abuse, especially among street children. Furthermore, the Committee is seriously concerned over the manufacture and the export of drugs from Colombia, which affects children who are pickers of coca leaves (*raspachines*), as well as children forced or lured into trafficking drugs, including within their bodies (*mulas*).

**112. The Committee recommends that the State party take effective preventive measures to counteract the high incidence of drug abuse among children and ensure rehabilitation, counselling and other recovery assistance.**

### **Administration of juvenile justice**

113. While the Committee is concerned over the rapidly rising number of children prosecuted in the regular justice system, the high number of children deprived of liberty and the detention of children in facilities which fail to comply with international standards and separation of children from adults. Furthermore, the Committee notes the lack of recovery and social reintegration programmes for children.

**114. The Committee reiterates its previous recommendation 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, paras. 203-238). In this regard, the Committee recommends that the State party in particular:**

- (a) **Ensure that the minimum age of criminal responsibility is set in accordance with internationally established standards;**
- (b) **Ensure that deprivation of liberty is used only as a measure of last resort. When used as last resort the facilities should comply with international standards;**
- (c) **Take all necessary measures to ensure that every person below 18 deprived of his or her liberty be separated from adults, in accordance with article 37 (c) of the Convention;**
- (d) **Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish cases of mistreatment committed by law-enforcement personnel and prisons guards;**
- (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) **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);**
- (g) **Provide training for penitentiary staff on children's rights and special needs;**
- (h) **Request further technical assistance in the area of juvenile justice and police training from, inter alia, OHCHR and UNICEF.**

#### **Deprivation of liberty**

115. The Committee is concerned that the practice of individual and mass arbitrary detentions, which escalated in 2003 and 2004, has affected the privacy and integrity of children as they have been stigmatized as a consequence of the detention of their family members. In addition, the Committee is concerned that the general practice of law-enforcement agents to publicly display images in media of arrested persons contravenes the principle of presumption of innocence.

116. **The Committee urges the State party to cease the conduct of arbitrary detentions as a matter of urgency as it seriously impacts on the safety and integrity of children. Furthermore, investigations should be carried out promptly while ensuring that the principles relating to the presumption of innocence and the right to a fair trial are guaranteed.**

#### **Children belonging to indigenous and minority groups**

117. The Committee welcomes the legal steps taken to recognize ethnic diversity, autonomy and collective land rights of minorities, in particular the Afro-Colombian and indigenous peoples. However, it notes that in practice the above groups confront serious challenges and threats to the enjoyment of their rights. Both the regular armed forces and the armed groups distinct from the State armed forces block vital supplies of food and medicines, resulting in high levels of malnutrition and disease. In particular, the Committee is concerned over the threats

against indigenous leaders, the over-representation of ethnic minority children among those displaced, victims of landmines and those forcefully recruited by illegal armed groups. The Committee is also concerned that among children of ethnic minorities, birth registration rates are low and access to basic health services is lacking. Despite an established programme for bilingual education (*etnoeducación*) the coverage is limited and illiteracy rates high. The Committee is concerned that, despite affirmative legal provision, children of ethnic minorities are victims of social exclusion and racial discrimination. Additionally, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people highlighted in his 2004 mission report on Colombia (E/CN.4/2005/88/Add.2) that several indigenous peoples in Amazonia are facing extinction.

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

**(a) Devote considerable attention to securing the physical integrity of all community members, including children. Such measures should be conducted in consultation with Afro-Colombian and indigenous leaders;**

**(b) Provide positively differentiated assistance for displaced children of ethnic minorities;**

**(c) Take affirmative measures to ensure that children of ethnic minorities gain de facto enjoyment of their rights, in particular in the area of health and education;**

**(d) Take due account of the recommendations adopted by the Committee after its day of general discussion in September 2003 on the rights of indigenous children and pay particular attention to the recommendation by OHCHR and those presented by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his 2004 mission report.**

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

**119. The Committee encourages the submission of the initial reports of Colombia under both Optional Protocols in a timely manner, and if possible, at the same time, to facilitate the review process.**

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

### **Follow-up**

**120. 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 relevant ministries, the Congress and to departmental governments, for appropriate consideration and further action.**

### **Dissemination**

**121. 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 in the relevant**

**languages (such as those of indigenous peoples), 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.**

### **11. Next report**

122. **The Committee invites the State party to submit a consolidated fourth and fifth periodic report, by 26 August 2011 (that is, 18 months before the due date of the fifth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: Italy**

123. The Committee considered the initial report of Italy (CRC/C/OPAC/ITA/1) at its 1125th and 1127th meetings (CRC/C/SR.1125 and SR.1127), held on 16 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

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

125. 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 18 March 2003, contained in CRC/C/15/Add.198.

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

126. The Committee notes with appreciation that the State party's legislation concerning compulsory recruitment into the armed forces has been amended in 2001 to reflect the provisions of the Optional Protocol.

127. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflict and assisting recovery of child victims of armed conflict and of child combatants.

128. The Committee also notes with appreciation that the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the European Union's General Affairs and External Relations Council in December 2003.

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

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

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

129. **With reference to paragraph 11 of the concluding observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.198), the Committee recommends that the State party ensure appropriate and effective coordination and regular evaluation of the implementation of the Optional Protocol.**

#### **National plan of action**

130. The Committee notes that the State party is in the process of finalizing and adopting a national plan of action for children as requested by the outcome document “A world fit for children”, adopted by the General Assembly at its special session on children held in May 2002.

131. **The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children, and that it provide a specific budget allocation and adequate follow-up mechanisms for the plan’s full implementation. It recommends that the State party pay attention to the issue of protection of children affected by armed conflict in the national plan of action.**

#### **Legislation**

132. The Committee welcomes the adoption of Law No. 2 of 8 January 2001 prohibiting the participation of persons under the age of 18 years in hostilities, as well as the interpretation provided in the State party’s report on the meaning of “direct participation” of the latter in armed conflict. The Committee is, however, concerned at the lack of an explicit definition in the State party’s legislation of the concept of “direct participation” and of the activities it entails.

133. **The Committee recommends that the State party include in its legislation a definition of the concept of “direct participation” of persons under the age of 18 years in armed conflict, and of the activities it entails, which should be in line with the broad interpretation provided in the State party’s report.**

134. **In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

(a) **Explicitly prohibit by law the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities;**

(b) **Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**

(c) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and**

(d) **Stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect.**

## **2. Recruitment of children**

### **Voluntary recruitment**

135. The Committee notes that the Declaration made by the State party upon ratification of the Optional Protocol sets the minimum age for voluntary recruitment at 17 years.

136. **The Committee recommends that the State party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.**

### **Role of military schools**

137. The Committee notes the existence of three military schools, in Milan, Naples and Venice, combining secondary education with military training for students between 15 and 17 years old. The Committee is concerned that when students reach the age of 16 years, they must apply for a “voluntary recruitment of three years” to be allowed to complete their studies, failing which they will be dismissed from military school.

138. **The Committee invites the State party to provide, in its next report, further information on:**

(a) **The status of children attending military schools, particularly as to whether they are considered only as civilian students of a military school or already as military recruits;**

(b) **The measures it has taken to ensure that voluntary recruitment into national armed forces under the age of 18 is “genuinely voluntary”, in accordance with the principle enshrined in article 3.3 of the Optional Protocol;**

(c) **Disaggregated data on persons under the age of 18 enrolled in military schools, including by age, region, rural/urban areas and social background; and**

(d) **The compliance of the curricula in military schools with articles 28 and 29 of the Convention, as well as with its general comment No. 1 on the aims of education.**

### **3. International assistance and cooperation**

#### **Protection of victims**

139. While taking note with appreciation of Law No. 185/90 introducing New Regulations on the Control of Trade of Weapons, the Committee is concerned at the lack of a provision prohibiting the sale of small arms and light weapons to countries where persons who have not attained the age of 18 take a direct part in hostilities.

140. **The Committee recommends that the State party review its domestic legislation with a view to prohibiting trade of small arms and light weapons with countries where persons who have not attained the age of 18 take a direct part in hostilities either as members of the armed forces or armed groups that are distinct from the armed forces of the State. In this respect, the Committee recommends that the State party indicate, in its next report, the number of sales that were halted as a result of the operation of Law No. 185/90. The Committee further recommends that the State party include, in its Criminal Code, provisions criminalizing the trade of small arms and light weapons with countries where persons below the age of 18 take part in hostilities.**

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

##### **Measures of recovery and social reintegration**

141. The Committee regrets the lack of information on specific integration programmes or activities for former child soldiers and the lack of systematic data collection on asylum-seekers under the age of 18 who were affected by armed conflict.

142. **The Committee recommends that the State party pay attention to the vulnerability of asylum-seeking, refugee and migrant children in Italy who may have been affected by armed conflict, by strengthening its efforts to:**

- (a) Identify these children at the earliest possible stage;**
- (b) Provide them with culturally sensitive, multidisciplinary assistance for their physical and psychological recovery and their social reintegration;**
- (c) Systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home country; and**
- (d) Regularly train authorities working for and with asylum-seeking and migrant children who may have been involved in hostilities in their home country.**

143. **The Committee also 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, and invites the State party to provide information in its next periodic report on social reintegration programmes.**

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

144. **The Committee recommends that the State party make the Optional Protocol widely known to the public at large and in particular to children and their parents through, inter alia, school curricula and human rights education.**

145. **Additionally, in the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and the 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 its monitoring.**

### **D. Next report**

146. **In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 October 2008.**

### **Concluding observations: Italy**

147. The Committee considered the initial report of Italy (CRC/C/OPSA/ITA/1) at its 1125th and 1127th meetings (see CRC/C/SR.1125 and CRC/C/SR.1127), held on 16 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

148. The Committee welcomes the submission of the State party's initial comprehensive report, as well as the submission of the replies to the list of issues (CRC/C/OPSA/ITA/Q/1). However, the Committee notes with regret that the State party's report does not follow closely the guidelines for reporting.

149. The Committee notes the presence of a high-level delegation and appreciates the frank and constructive dialogue.

150. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's second periodic report on 31 January 2003, contained in CRC/C/15/Add.198.

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

151. The Committee notes with appreciation the various measures taken by the State party to implement and strengthen the protection of the rights enshrined in the Optional Protocol, in particular:

(a) The adoption of Act 38/2006 on sexual exploitation of children and paedo-pornography, including through the Internet;

- (b) The adoption of Law 228 on Measures against the trafficking of people in 2003;
- (c) The establishment of a Fund for Anti-Trafficking Measures in the Prime Minister's Office;
- (d) The establishment of the Interministerial Committee for the Coordination of the Fight against Paedophilia (Comitato Interministeriale di Coordinamento per la Lotta alla Paedofilia, CICLOPE) in 2002; and
- (e) The establishment of an Observatory on the Phenomenon and on Prevention and Suppression Policies in 2003.

152. The Committee welcomes the information provided by the delegation that Italy has recently ratified the United Nations Convention against Transnational Organized Crime and its Optional Protocols.

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

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

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

153. The Committee welcomes the establishment of the Interministerial Committee for the Coordination of the Fight against Paedophilia (CICLOPE), which includes representatives from the various ministries, as well as its close cooperation with associations, non-governmental organizations (NGOs) and experts in the sector. It also notes the establishment of the National Centre for combating child pornography on the Internet. However, the Committee is concerned that numerous efforts undertaken in this area are fragmented and might hamper the full implementation of the provisions enshrined in the Optional Protocol.

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

##### **National plan of action**

155. The Committee notes the adoption of the Plan of Action to combat and prevent paedophilia in 2002. It also notes that the State party is in the process of finalizing and adopting a national plan of action for children, as requested by the outcome document "A world fit for children" adopted by the General Assembly at its special session on children held in May 2002.

**156. The Committee recommends that the State party strengthen its efforts to finalize, adopt and implement, in consultation and cooperation with relevant stakeholders, including civil society, a national plan of action for children and provide a specific budget allocation and adequate follow-up mechanisms for its full implementation. It also recommends that the State party pay attention to covering all areas of the Optional Protocol in the national plan of action, taking into account the Declaration and Agenda for**

**Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children. The Committee further recommends that the State party continue and strengthen its efforts in ensuring the full implementation of specific plan of actions relevant to the Optional Protocol.**

#### **Dissemination and training**

157. The Committee notes with appreciation the efforts made by the State party to raise awareness among the public, in particular among teachers, school managers, social workers and other professionals working with and for children, as well as children themselves, about the provisions of the Optional Protocol. However, the Committee is concerned that dissemination of information on sexual exploitation, child pornography and sale of children is not systematic.

**158. The Committee recommends that the State party continue to strengthen its measures to disseminate the provisions of the Optional Protocol among all relevant professionals, including police officers, public prosecutors, judges, social workers, caregivers and other professionals working with and for children, involved in the implementation of the Optional Protocol. It further recommends that the State party pay particular attention to awareness-raising campaigns and to the use of materials which are appropriate for children.**

#### **Data collection**

159. While welcoming the establishment of an observatory on the phenomenon of sexual exploitation and on prevention and suppression policies in 2003, the Committee notes with concern the lack of a centralized system for the collection and analysis of relevant data, as noted by the State party.

**160. The Committee recommends that the State party strengthen its efforts to collect in a systematized fashion quantitative and qualitative data on all areas covered by the Optional Protocol. Such data should be used to assess progress and to design programmes and policies to further implement the Optional Protocol.**

#### **Budget allocations**

161. Notwithstanding the allocation of financial resources for specific social protection programmes, including funds for the victims of trafficking and exploitation, the Committee regrets the limited information provided on budget allocations for the comprehensive implementation of the provisions contained in the Optional Protocol.

**162. The Committee recommends that the State party provide in its next report further information on the budget allocations for the comprehensive implementation of the Optional Protocol.**

#### **Independent monitoring mechanism**

**163. The Committee welcomes the establishment of an Ombudsman office in eight regions of the State party and also the efforts made to set up an independent national institution competent for the protection of the rights of the child. The Committee**

**recommends that the State party complete these efforts and ensure that the national institution is easily accessible to, and user-friendly for, all children. The Committee draws the attention of the State party to the general comment No. 2 (see CRC/GC/2002/2) on the role of independent national human rights institutions in the protection and promotion of the rights of the child.**

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

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

164. The Committee notes with satisfaction the State party's efforts to criminalize the sale of children, child prostitution and child pornography. It is nevertheless concerned at the lack of a clear definition of child pornography in line with article 2 of the Optional Protocol.

165. **The Committee recommends that the State party continue to ensure that legislation and procedures relevant for the Optional Protocol are being fully implemented. It further recommends that the State party define child pornography in the national legislation, which will enable it to clearly design and implement policies.**

## **3. Protection of the rights of child victims**

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

166. The Committee also notes the establishment of one single fund for all social policies by Act 328/2000. However, the Committee remains concerned at the uneven distribution of human and financial resources throughout the country, including unequal access to accommodation centres and medical facilities.

167. **The Committee recommends that the State party specifically define protection services and develop guidelines to guarantee a common minimum standard of services and actions among the various regions in order to ensure that child victims receive all appropriate assistance, including their full physical and psychological recovery and social reintegration. The Committee further recommends that the State party provide specific earmarked budgets for these services and actions.**

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

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

168. The Committee is deeply concerned at the high number of child victims of trafficking, mainly from Eastern European countries, especially Romania, who are at particular risk of being sexually exploited and used for the purpose of begging.

169. **The Committee recommends that the State party pay particular attention to the situation of vulnerable groups of children who are at risk of being abused and exploited. It highly recommends that good practices, such as the "Centre for Combating Child Begging" in Rome, should be shared with other cities.**

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

### **Prevention**

170. The Committee notes the State party's initiatives in providing forums for discussion on and analysis of aspects of the transnational nature of child prostitution, sexual tourism and trafficking as well as the need for prevention, suppression and assistance strategies. However, the Committee remains concerned at the lack of awareness and follow-up mechanisms regarding the outcome of such forums.

171. **The Committee recommends the State party continue its efforts in fostering international inter-ministerial cooperation through specifically tailored and well-organized meetings and set specific, time-bound commitments and objectives combined with proper and regular evaluation of the results. The Committee draws the attention of the State party to general comment No. 6 of 2005 (see CRC/GC/2005/6), on the treatment of unaccompanied and separated children outside their country of origin.**

### **Protection of victims**

172. The Committee notes with appreciation that the recent legislation on sexual exploitation and paedo-pornography (Act 38/2006) created a permanent obligation for tour operators to inform customers that offences related to child prostitution and pornography are punishable, even if committed abroad.

173. **The Committee recommends that the State party undertake necessary measures, including long-term public information and awareness-raising campaigns, in collaboration with tour operators and the civil society, on the growing phenomenon of sex tourism, in order to reduce and eliminate consumer demand.**

### **Law enforcement**

174. The Committee notes with appreciation the various bilateral and multilateral agreements signed by the State party in the domain of judicial and security cooperation.

175. **The Committee recommends that the State party continue to strengthen its bilateral, regional and multilateral cooperation for the prevention and detection of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law-enforcement agencies of other States.**

### **Financial and other assistance**

176. **The Committee notes with appreciation the creation of guidelines by the Directorate General for Development Cooperation for the allocation of funds with regard to initiatives in collaboration with United Nations agencies, NGOs and local authorities, and recommends that the State party effectively implement these guidelines and strengthen its provisions of financial support, particularly to NGOs, in carrying out their projects.**

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

### **Follow-up**

177. **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**

178. **The Committee recommends that the initial report and written replies submitted by the State party and the 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 its monitoring.**

### **D. Next report**

179. **In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its second periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 October 2008.**

### **Concluding observations: Latvia**

180. The Committee considered the second periodic report of Latvia (CRC/C/83/Add.16) at its 1124th and 1126th meetings (see CRC/C/SR.1124 and CRC/C/SR.1126), held on 16 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

### **A. Introduction**

181. The Committee welcomes the submission of the State party's comprehensive periodic report, as well as the detailed written replies to its list of issues (CRC/C/LVA/Q/2), which provided a better understanding of the situation of children in the State party. It further notes with appreciation the frank and open dialogue with the delegation of the State party, which included experts from relevant State institutions.

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

182. The Committee notes with appreciation the ratification of international treaties relevant to the protection of children's rights, including:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 19 December 2005;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 22 February 2006; and

(c) The Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption on 9 August 2002.

183. The Committee also welcomes the various measures taken as a follow-up to the Committee's concluding observations (CRC/C/15/Add.142) after the consideration of the first report on the implementation of the Convention, such as:

(a) The establishment of the Ministry for Children and Family Affairs;

(b) The long-term policy planning document, the "Principal Positions Latvia Fit for Children" (2004-2015), based on the outcome document of the Special Session of the United Nations General Assembly in May 2005, "A world fit for children"; and

(c) The establishment of a Subsistence Guarantee Fund in 2004.

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

184. The Committee recognizes the economic and social difficulties facing the State party, including the dramatic drop of the gross domestic product, caused mainly by the dissolution of the European Council for Mutual Economic Assistance, which has negatively impacted the situation of children and has impeded, and continues to impede, full implementation of the Convention.

### **D. 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**

185. The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.142) made upon the consideration of the State party's initial report (CRC/C/11/Add.22) are referred to throughout the State party report and have been addressed through legislative measures and policies. However, it regrets that some of the concerns it expressed and recommendations it made regarding, inter alia, coordinated policies and institutional mechanisms relating to the rights of children, the allocation of adequate budgetary resources for family benefits, health services and education, and the expansion of family-type alternative care provisions, have been insufficiently addressed.

**186. 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 related to the second periodic report.**

### **Legislation and implementation**

187. The Committee notes with appreciation that the State party has taken steps to develop a legal framework for the protection of children's rights. It welcomes the adoption of legislative measures related to the rights of children, including amendments to the Law on the Protection of the Rights of the Child and to the Law on Social Services and Social Assistance and revised by-laws. The Committee is concerned, however, that there is a gap between law and practice, particularly in the areas of education, health care, juvenile justice and protection from violence.

**188. The Committee recommends that the State party revise or amend laws where necessary, and take the necessary measures, inter alia, by providing adequate human and financial resources, to ensure the implementation of the laws in order to bring them in full compliance with the Convention.**

### **Coordination and national plan of action**

189. The Committee welcomes the establishment of institutional mechanisms focused on the rights of children, including the Ministry for Children and Family Affairs, which is mandated to develop, coordinate and monitor implementation of a national policy related to the protection of children's rights, and the creation of the State Inspectorate for the Protection of Children's Rights to, inter alia, ensure compliance with the Law on the Protection of the Rights of the Child and other legislation. The Committee also notes that a number of policies, strategies and action plans explicitly refer to the rights of children, including the "Principal Positions Latvia Fit for Children". However, the Committee is concerned that there is still a lack of coordination of the various institutional mechanisms and entities to monitor implementation of the Convention throughout Latvia, including between the national and local levels. The Committee is also concerned at the absence of a comprehensive national plan of action for the implementation of the long-term policy, Latvia Fit for Children.

**190. The Committee encourages the State party:**

**(a) To strengthen the mandate of the Ministry for Children and Family Affairs to coordinate and monitor implementation of a national policy related to the protection of children's rights;**

**(b) To develop a national plan of action for the full implementation of the Principal Positions Latvia Fit for Children that specifies goals and objectives and establishes a clear time frame and that fully incorporates the principles and provisions of the Convention and of the law;**

**(c) To situate all other action plans and programmes under the national plan of action to avoid fragmentation and unnecessary overlap; and**

**(d) To provide the mechanisms, regulations and budgetary and human resources necessary for the effective implementation of this national plan of action.**

### **Independent monitoring**

191. The Committee welcomes the establishment of various mechanisms, including the Section for Protection of the Rights of the Child in the Latvia National Human Rights Office, which deals, inter alia, with complaints related to violations of children's rights, and the draft law on Public Advocate, an ombuds-type of institution meant to broaden the human rights protection and to secure the observance of the principle of good governance by State institutions. The Committee is nevertheless concerned that this section of the National Human Rights Office is inadequately mandated to monitor, regularly evaluate or report on implementation of the Convention. The Committee regrets that despite its previous recommendation, the State party has not established a post of Ombudsperson for Children.

**192. The Committee recommends that the State party continue its efforts to strengthen the work of the Section for Protection of the Rights the Children within the Latvian National Human Rights Office by ensuring the provision of adequate human and financial resources, and that it promote and strengthen accessibility for children to the Section. It also recommends that the State party ensure effective coordination and cooperation between this Section and the new Public Advocate and consider the possibility of developing this Section into an independent Ombudsperson for Children, taking into account the Committee's general comment No. 2 on the role of independent national human rights institutions, as well as the Paris Principles (General Assembly resolution 48/134, annex). The Committee encourages the State party to involve non-governmental organizations (NGOs) in its ongoing efforts to monitor implementation of the Convention.**

### **Allocation of resources**

193. The Committee welcomes the increases in budgetary resources allocated to education and maternal and child health care. The Committee is nevertheless concerned that these allocations are inadequate to ensure effective implementation of the Convention, including the numerous programmes and reforms that are planned or in place.

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

**(a) Develop a comprehensive strategy and an adequate monitoring system to ensure that budgetary allocations effectively improve the situation of the most vulnerable groups and reduce regional disparities; and**

**(b) Undertake a study on the impact of the Government's budgetary resources allocated for children and their families, to assess their effectiveness.**

### **Data collection**

195. The Committee takes note of the State party's progress with regard to the collection of statistical data and notes with appreciation the detailed and updated information provided by the State party in its written replies. However, the Committee remains concerned that there is still a lack of systematic and comprehensive data that has been disaggregated, which would enable analysis of the factors determining the situation of, in particular, vulnerable groups of children.

196. **The Committee recommends that the State party undertake measures to develop a systematic and comprehensive collection and disaggregation of data that is consistent with the Convention, and can be used for the development, implementation and monitoring of policies and programmes for children. Particular emphasis should be placed on gathering data relating to children who need special attention, including non-citizens, stateless and refugee children, and children of minorities. Consideration should be given to conducting analytical, in-depth studies on children who are particularly vulnerable, such as child victims of abuse, neglect, or ill-treatment; street children; children with disabilities and special needs; and children in long-term institutional care and residential boarding schools.**

### **Dissemination of the Convention**

197. The Committee notes with appreciation that in response to its previous recommendations, the State party included information about children's rights in school curricula and projects, and that it translated into Latvian and published the Implementation Handbook for the Convention on the Rights of the Child. The Committee also acknowledges the efforts of the State party to train professionals working for and with children, yet it remains concerned that professionals working with children, parents and children themselves have limited awareness of the Convention.

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

(a) **Continue its efforts to disseminate the Convention in all relevant languages, and also through the use of child-friendly materials and school curricula in primary and secondary schools;**

(b) **Expand its programmes to sensitize children and parents about the Convention; and**

(c) **Increase its efforts to provide adequate and systematic training on children's rights for professionals working with and for children, including judges, lawyers, law-enforcement personnel, teachers, health-care professionals and social workers.**

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

### **Non-discrimination**

199. The Committee welcomes the declaration of the State party that all children in Latvia enjoy the same rights irrespective of their citizen-status as well as the decision to remove the mandatory requirement to record ethnic origin in passports. It reiterates, however, its previous concern that the principle of non-discrimination is not fully implemented in Latvia for children belonging to minorities, including Roma children, children with disabilities, and children living in rural areas, in particular with regard to their access to adequate health and education facilities.

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

(a) **Undertake effective measures to ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention, in accordance with article 2, including through the adoption of legislation, which specifically prohibits all forms of discrimination;**

(b) **Undertake comprehensive public education campaigns to prevent and to combat negative social attitudes and behaviour based on sex, age, race, nationality, ethnicity, religion, disability; and**

(c) **Include information 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, and taking account of the Committee's general comment No. 1 on the aims of education (2001).**

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

201. The Committee welcomes the assertion of the State party that priority is given to the implementation of children's rights, but is concerned that the best interests of the child are insufficiently addressed under the pressure of the economic transformation and the consequences of an aging population.

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

(a) **Ensure that the general principle of the best interests of the child is a primary consideration and is fully integrated into all legislation relevant to children; and**

(b) **Ensure that this principle is applied in all political, judicial and administrative decisions, as well as projects, programmes and services that have an impact on children.**

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

203. The Committee notes with appreciation the measures undertaken to promote respect for the views of the child, including through active participation in student government, on school boards and in the recently established children's council. It is concerned, however, that children from a disadvantaged background are not included to the same extent in these structures. The Committee regrets that little information was provided on the attitudes towards children's views and proposals, as well as information on the extent to which their views have been sought, expressed or integrated in all institutions attended by children at the local level and in the family.

204. **In the light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that children have the right to express their views freely in all matters affecting them and to have those views be given due weight in**

**schools and other educational institutions, as well as in the family, and reduce the discrepancies in the opportunities for the participation of students from different social and regional backgrounds;**

**(b) Develop community-based skills-training programmes for parents, teachers and other professionals working with and for children, to encourage children to express their informed views and opinions by providing them with proper information and guidance;**

**(c) Ensure that children be provided with the opportunity to be heard in any judicial and administrative proceeding affecting them, and that due weight be given to those views in accordance with the age and maturity of the child;**

**(d) Systematically ensure the effective participation of children's organizations in the development of national, regional and local policies or programmes affecting them, including educational reforms; and**

**(e) Provide more detailed information on this issue in the next periodic report.**

### **3. Civil rights and freedoms (arts. 7; 8; 13-17; 19 and 37, para. (a), of the Convention)**

#### **Nationality**

205. The Committee welcomes the various steps taken by the State party to expedite the naturalization process of non-citizen and stateless children. The Committee remains concerned, however, that despite the 1998 amendment of the Citizenship Law, which entitles children born in the period 1992-2005 to citizenship, and is granted upon application, a considerable number of children in Latvia still do not yet have Latvian citizenship or are stateless.

**206. The Committee recommends that the State party strengthen its efforts to accelerate the naturalization process for those who wish to gain citizenship, with the goal of eliminating the transitional legal status of non-citizens. The Committee encourages the State party to provide more information and support to the parents of non-citizen and stateless children to ensure that all children in Latvia can easily acquire citizenship.**

#### **Access to information**

207. The Committee appreciates the measures taken by the State party to encourage reading among children, in particular, through educational and library programmes. The Committee also notes steps that have been taken by the State party to consider issues related to access to media and information technology, including the protection of children from harmful Internet sites. However, the Committee is concerned that certain harmful materials published in the media and available through the Internet are easily accessible to children, including websites that present violent and pornographic material, incite racial hatred and promote drug abuse.

208. **The Committee recommends that, through cooperation with radio and television broadcasters, mechanisms be established to monitor and to improve the quality and suitability of media programming produced primarily for children. The Committee also recommends, in the light of article 17 of the Convention, that the State party take all necessary legal, educational 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 the Internet.**

### **Corporal punishment**

209. The Committee welcomes the explicit prohibition of corporal punishment in the Law on the Protection of the Rights of the Child, but remains concerned that corporal punishment and other degrading practices continue to be practised within schools and in other institutions. The Committee is also concerned that while regional inspectors are mandated to investigate cases of corporal punishment, the sanctions they impose may not always be adequate, and that it is difficult to suspend or dismiss the offenders.

210. **The Committee reiterates its previous recommendation to ban from practice corporal punishment and other degrading practices in all settings, and to encourage the State party to strengthen measures to promote alternative forms of discipline in schools and other institutions for children, inter alia, by strengthening sanctions and bringing offenders to justice, including through the suspension of offenders from schools and institutions.**

## **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)**

### **Children deprived of family environment**

211. The Committee notes with appreciation the increased emphasis the State party placed on the alternatives to institutional childcare, including foster families and adoption. The Committee is concerned that temporary or permanent suspension of parental rights has become a frequently applied measure, and that most of the children are sent to institutions. While recognizing that steps have been taken to increase the number of children in family-type care, the Committee is concerned that large numbers of children continue to remain in long-term residential care, including children who have been left behind by parents seeking employment outside the country. The Committee is concerned about the limited number of foster families and that the foster-care system is insufficiently regulated and resourced. It is further concerned that the necessity and appropriateness of institutional care is not subject to regular, periodic review, so that children who could return to their families remain in institutions.

212. **In the light of articles 20 and 25 of the Convention, the Committee recommends that the State party:**

**(a) Ensure that care for children separated from their parents is provided with priority given to a family or a family-type setting, i.e. foster families, adoptive families or extended families;**

**(b) Undertake a study on the consequences for children of parents leaving Latvia for reasons of employment abroad or for other reasons and, based on the outcome of the study, develop adequate mechanisms of support for children, where appropriate;**

**(c) Ensure that the institutionalization of a child is a measure of last resort and only occurs when family-type measures are considered inadequate for a specific child, and that institutionalization is subject to regular review with a view to reassessing the possibility for reunification; and**

**(d) Undertake an examination of the different laws applied to children without parental care in order to ensure that procedures are in conformity with the principles and provisions of the Convention, emphasizing the best interests of the child, and taking into account the recommendations of the Committee at its day of general discussion regarding children without parental care (2005).**

### **Adoption**

213. The Committee is concerned that the number of children adopted domestically remains significantly lower than the number adopted through intercountry adoptions.

**214. The Committee recommends that the State party take steps to encourage domestic adoptions, including through the dissemination of accessible information related to the conditions for adoption, offering preparatory assistance to persons willing to adopt and working groups for adoptive parents. The Committee also recommends that the State party ensure that the best interests of the child is the primary consideration for adoption and that preference is given to domestic adoption over intercountry adoption.**

### **Abuse and neglect, maltreatment, violence**

215. The Committee notes with appreciation the steps taken by the State party to address violence against children, including the development of an information campaign and the training of specialists working with children in crisis situations, as well as the establishment of a toll-free hotline service for children. However, the Committee is concerned at multiple reports, including from children themselves, that violence against children remains a widespread problem in Latvia. While police investigations are reportedly carried out for the most serious cases of physical and sexual abuse of children, the Committee is concerned that there is a general belief that violence in the home should be considered as a private matter. The Committee is also concerned about the lack of systematically collected data on the extent of violence against children, and about the absence of appropriate measures and mechanisms to address the problem.

**216. The Committee urges the State party:**

**(a) To strengthen existing legislation on the protection of children from all forms of violence and to ensure the systematic collection of data on violence against children;**

(b) To continue and to strengthen its awareness-raising and education campaigns with the involvement of children and to develop strategies and interventions to prevent and to combat all forms of child abuse, including through school-based education programmes aimed at raising awareness and skills among children to address different forms of violence;

(c) To establish an effective reporting system for cases of child abuse and neglect to be used by professionals, children and the public at large, and to ensure that, in particular, children in institutions and other forms of alternative care have easy and safe access to this system and bring the perpetrators to justice;

(d) To provide care, full physical and psychological recovery and social reintegration for child victims of violence; and

(e) To ensure accessibility of the toll-free national helpline, including by increasing its hours of operation to 24 hours daily, creating an easy-to-remember 3-digit toll-free number that is equally accessible from mobile phones and from rural and remote areas, and to cooperate with NGO hotlines and services for children in emergency situations.

217. 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 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**

218. The Committee is concerned that there is currently no legislation in place that specifically addresses the rights of persons with physical or mental disabilities. The Committee notes that despite increased financial assistance for day-care centres and home care for children with physical or mental disabilities, it is concerned that children with mild to moderate disabilities are frequently institutionalized due to a lack of capacity to care for the child, and that families with children with disabilities often face discriminatory attitudes from professionals and the local community. The Committee is also concerned that in spite of the declared inclusive policy of the State party, the majority of children with disabilities attend special schools, and that an unknown but allegedly high number of children do not attend school at all.

219. The Committee recommends that the State party:

(a) Adopt legislation to protect the rights of children with disabilities in conformity with internationally accepted standards;

**(b) Provide early childhood education and care and primary and secondary education for children with disabilities in a way that corresponds to the needs of these children, preferably in mainstream educational facilities, and is conducive to the child's achievement of the fullest possible social integration and individual development, and that it provide adequate support, supervision and training to persons working with children with disabilities, including teachers in mainstream schools, and pay special attention to children not attending school;**

**(c) Undertake efforts to establish and to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes and home-based care;**

**(d) Undertake awareness-raising campaigns that focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities, as well as combating negative societal attitudes towards children with disabilities; and**

**(e) Remove physical barriers to enable effective access of children with disabilities to schools and other institutions and services.**

**220. The Committee also urges the State party to review existing policies and practice in relation to children with disabilities, giving due attention to 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).**

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

221. The Committee notes the increase in budgetary allocation to national health care for children. Despite the introduction of measures to expand the availability of basic health services, including near-universal immunization programmes for children, many children have limited access to medical care as a result of financial or geographic restrictions. The Committee is concerned at the high rates of newborn, infant and child mortality in Latvia, increasing rates of tuberculosis and hepatitis, and reports of the continued prevalence of iodine deficiency and malnutrition. The Committee notes that while steps have been taken, including by the police, to increase awareness of safety among children in Latvia and to reduce accidents, it is concerned that the rates of child mortality in Latvia, due to factors such as violence, fires, traffic and other accidents, have increased.

**222. The Committee recommends that the State party take steps:**

**(a) To ensure that all children have access to basic health-care services;**

**(b) To allocate appropriate resources to establish health-care services accessible and affordable for all children, including the Action Plan for the Implementation of the Strategy for Healthcare of Mother and Child 2004-2007;**

**(c) To address iodine deficiency and potential malnutrition through education and the promotion of healthy eating practices; and**

**(d) To increase efforts and allocate adequate resources to conduct national and regional campaigns focused on youth safety to reduce accidents endangering the lives of children.**

### **Adolescent health**

223. The Committee is concerned about rates of adolescent pregnancy and the reliance on abortion as a contraceptive method, particularly among young women aged 15-17 years. The Committee is concerned that mental illness is inadequately treated and that individuals committed to institutional care for mental illness suffer arbitrary restrictions on their freedoms. The Committee is also concerned at the rate of suicide among youth, particularly boys aged 14-17 years.

**224. The Committee recommends that the State party, taking account of general comment No. 4 (2003) on adolescent health and development:**

**(a) Strengthen its reproductive health education programme(s) for adolescents in order to prevent adolescent pregnancy and the spread of sexually transmitted infections (STIs). Such programmes should provide access to sexual and reproductive health services, including family planning;**

**(b) Ensure the full protection of the rights of children committed to institutional care for mental illness, including access to family members and the establishment of an independent complaints process; and**

**(c) Intensify its measures to raise awareness about and prevent suicide among adolescents, including by providing adequate resources for the implementation of the programme, and by strengthening its mental health-care and outreach services.**

### **HIV/AIDS**

225. The Committee notes that while the total number of newly reported cases of HIV is decreasing, the proportion of heterosexual transmissions, particularly among female adolescents, has increased in recent years. The Committee welcomes strategic initiatives undertaken by the State party, including the Programme of the Ministry of Health on Elimination of Dissemination of the Human Immunodeficiency Virus (HIV) and AIDS 2003-2007. The Committee is nevertheless concerned at apparent discrepancies in reported rates of HIV infection.

**226. The Committee recommends that the State party, taking into account its 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, annex 1):**

**(a) Pay greater attention to strengthening its reproductive health education programme(s) for children and adolescents in order to prevent the spread of HIV/AIDS;**

**(b) Take steps to increase awareness among adolescents, particularly among those belonging to vulnerable and high-risk groups, including drug users, adolescent sex workers and street children about the risks of HIV/AIDS; and**

**(c) Fully respect the rights of children to privacy and non-discrimination in offering HIV-related information, voluntary counselling and testing, knowledge of their HIV status, confidential sexual and reproductive health services, and free or low-cost contraceptive methods and services, as well as HIV-related care and treatment if and when needed, including for the prevention and treatment of health problems related to HIV/AIDS, such as tuberculosis and opportunistic infections.**

### **Standard of living**

227. The Committee recognizes that children and their families are severely impacted by the economic and social transformation process that was initiated after Latvia regained independence. It is concerned that, in spite of remarkable growth rates, a large number of families live in economic hardship, near or below the level of subsistence, especially families headed by single parents, families with three or more children and families in remote areas. The Committee is also concerned at regional disparities between rural and urban areas, and marked social inequalities within the population. The Committee welcomes the adoption of measures, including financial benefits and additional care facilities, to assist families in extreme adversity and with children at risk. The Committee is, however, particularly concerned that assistance to families is not sufficient to prevent the circumstances related to evictions of families with children from their places of residence by court order, which often further deteriorates the living conditions of children and their families. The Committee also takes account of the numbers of job-seeking adolescents, and is concerned at the difficult transition from school to the labour market experienced, in particular, by children who drop out before graduation.

228. **The Committee recommends that the State party ensure that:**

**(a) Its budgetary allocations to key areas for children, particularly support for disadvantaged families, health and education, keep pace with increases in economic growth;**

**(b) The financial support system provided to families living under difficult economic conditions is expanded, and that day-care centres and schools assist disadvantaged families with regard to childcare and education;**

**(c) Disadvantaged families are provided with adequate and affordable housing, and that adequate alternative housing arrangements are available in the event of their evictions; and that**

**(d) Adolescents are assisted in their efforts to find employment.**

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

### **Education, including vocational training and guidance**

229. The Committee welcomes the fact that education is one of the priorities of the National Development Plan 2007-2013 and notes with appreciation an increase in the enrolment rates of children in education. It is, however, concerned at reported rates of non-attendance from

primary, secondary and vocational schools as a result of, inter alia, hidden costs, poverty, inadequate transportation, closure of schools in sparsely populated areas, voluntary truancy, the lack of parental interest in education, and bullying in school. The Committee also expresses concern regarding unsatisfactory conditions of State boarding schools for children with special needs or who are deprived of parental care.

**230. The Committee recommends that the State party take immediate steps to allocate appropriate financial and human resources:**

**(a) To ensure that all children from all areas of the country, without distinction, including children in pretrial custody and detention, have equal access to quality education, including human rights education;**

**(b) To strengthen measures aimed at decreasing drop-out and repetition rates in primary and secondary education in all regions, and to ensure that all children have equal opportunities to complete their education;**

**(c) To expand measures to prevent bullying among children at school;**

**(d) To take measures to inform parents of the importance of education, and where appropriate, to provide incentives to families to encourage children to attend school, including financial assistance for educational supplies and the provision of school lunches; and**

**(e) To improve the standard of living, the disciplinary treatment, and the quality of education for children attending residential boarding schools and schools in rural and remote areas, and to reduce disparities in allocated resources and facilities.**

#### **7. Special protection measures**

**(arts. 22; 30; 32-36; 37, paras. (b)-(d); 38; 39; 40, of the Convention)**

#### **Refugee children**

231. The Committee welcomes the entry into force of the new law on asylum, yet is concerned that asylum-seekers and their children may be held at the border at inadequate detention facilities without access to medical care, and deported without access to legal counsel. The Committee is concerned that children born to parents who are asylum-seekers cannot be issued formal birth certificates. It is also concerned that the definition of “family” found in section 29 of the Asylum Law limits opportunities for family reunification, particularly in the case of separated or unaccompanied children whose parents are deceased or whose whereabouts are unknown.

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

**(a) Undertake measures to ensure the availability of adequate facilities for refugee children in Latvia, including access to legal counsel and medical care, as well as the availability of education, irrespective of the status of the refugee child;**

**(b) Ensure that asylum-seeking children, including separated children, are only detained when it is necessary to protect their best interest and for the shortest time possible, and take into account article 37 of the Convention and general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (2005);**

**(c) Ensure that the births of children born to asylum-seekers are immediately registered in accordance with article 7 of the Convention;**

**(d) Take steps to broaden the definition of “family” in the Asylum Law to promote family reunification; and**

**(e) Create training programmes related to the principles and provisions of the Convention for border guards, police and judiciary.**

### **Child labour**

233. The Committee welcomes information that the Saeima has approved the ratification of International Labour Organization (ILO) Convention No. 138 (1973) concerning Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

**234. The Committee encourages the State party to complete the ratification process by depositing an instrument of ratification with the Secretary-General, as soon as possible.**

### **Street children**

235. The Committee notes that support for street children falls within the framework of the Improvement of the Status of the Child and Family programme, and regrets that little information is provided regarding street children in Latvia. It is concerned that in the light of the economic difficulties faced in Latvia, there is no systematic, comprehensive strategy to provide these children with adequate assistance.

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

**(a) Undertake a study on the causes and scope of the situation of street children, and develop and implement a comprehensive strategy with the aim of preventing and reducing this situation and protecting children;**

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

**(c) Ensure that these children are provided with recovery and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, and where possible, when in the best interests of the child, services for reconciliation with a view to reintegrating these children with their families.**

### **Sexual exploitation and trafficking**

237. While the Committee recognizes the existence of legislative measures to address sexual exploitation and trafficking of children, including the national programme on the Prevention of Trafficking in Human Beings 2004-2008, as well as the training of law-enforcement personnel, the Committee is concerned that a general lack of awareness among young people in Latvia, combined with the economic hardships they face, increases their vulnerability.

238. **In order to prevent and combat trafficking in children for sexual and other exploitative purposes, the Committee recommends that the State party:**

(a) **Develop adequate systems of early-prevention of sexual exploitation and trafficking and strengthen its efforts to identify and investigate cases of trafficking;**

(b) **Review and revise the 2002 National Action Plan to Combat Trafficking in Persons and strengthen legislative and other measures to prevent and combat sexual exploitation and trafficking in children and to ensure that perpetrators are prosecuted and that strong penalties are applied;**

(c) **Conduct nationwide awareness-raising campaigns to improve understanding of the issues of trafficking and recognize the root causes and factors that place children at risk of such exploitation;**

(d) **Provide adequate programmes of assistance, 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 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and**

(e) **Conduct training for law-enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation, to enable them to identify and support children at risk of becoming victims of trafficking or commercial sexual exploitation.**

239. **The Committee also reiterates the 2004 recommendation of the Committee on the Elimination of Discrimination against Women (A/59/38) that the State party further its efforts through increased international, regional and bilateral cooperation.**

### **Administration of juvenile justice**

240. The Committee welcomes the reduction in drug-related offences, yet remains concerned at the reported increase in alcohol-related offences. The Committee is also concerned that juveniles are often held in pretrial detention for long periods without judicial oversight as well as about allegations of mistreatment in detention.

241. **The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, in the light of the recommendations adopted by the Committee on its day of general discussion on**

**juvenile justice (CRC/C/46, paras. 203-238) 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. The Committee also recommends that the State party undertake more specific measures in order to:**

**(a) Ensure that juveniles in detention and pretrial detention have access to legal aid and independent and effective complaints mechanisms, and have the opportunity to remain in regular contact with their families;**

**(b) Provide educational instruction for juveniles in detention and pretrial detention, and significantly improve the living conditions in these facilities;**

**(c) Ensure that deprivation of liberty, including pretrial detention, is used as a measure of last resort, and for the shortest time possible, as authorized by the court through strengthening of procedures to facilitate expedited processing in accordance with internationally accepted guarantees for the right to a fair trial; and**

**(d) Develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences, and measures to effectively prevent and address drug- and/or alcohol-related delinquency.**

#### **Children belonging to minority groups**

242. The Committee notes that bilingual education for minorities will be provided until the ninth grade only (end of primary education), and that comprehensive and professional secondary education, as well as vocational education, will be provided in the Latvian language only, with the exception of subjects related to language, identity, and culture of minorities, which can be taught in the minority language. While the State party declares that it is carefully monitoring this process, the Committee remains concerned that those children required to learn in a new language may experience difficulties in following the instruction.

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

**(a) Continue to provide information to children and their parents about the shift to the Latvian language in secondary education;**

**(b) Assist children who have language deficits;**

**(c) Train teachers to ensure that children are not disadvantaged by the new medium of instruction; and**

**(d) Continue to monitor and to include information on the implementation of the language policy in the educational system in the next State party report.**

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

### **Follow-up**

244. 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 Saeima, and to the local authorities, for appropriate consideration and further action.

### **Dissemination**

245. 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 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 its monitoring.

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

246. The Committee encourages the submission of its initial reports under both Optional Protocols in a timely manner, and if possible, at the same time, to facilitate the review process.

## **10. Next report**

247. The Committee invites the State party to submit a consolidated third and fourth report, by 13 May 2009 (that is 18 months before the due date of the fourth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: Iceland**

248. The Committee considered the initial report of Iceland (CRC/C/OPAC/ISL/1) at its 1146th meeting (see CRC/C/SR.1146), held on 26 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

### **A. Introduction**

249. The Committee welcomes the submission of the State party's initial report as well as the submission of the written replies to its list of issues (CRC/C/OPAC/ISL/Q/1). The Committee appreciates the frank and constructive dialogue held with the high-level delegation.

250. 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 31 January 2003 and contained in CRC/C/15/Add.203.

### **B. Positive aspects**

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

252. The Committee also notes the State party's ratification of the Rome Statute of the International Criminal Court on 25 May 2000, and of the International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 29 May 2000.

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

#### **Legislation**

253. 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 a crime in the State party's penal code.

**254. In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

**(a) Explicitly prohibit by law the recruitment of children under the age of 15 years into armed forces/groups as well as their direct participation in hostilities;**

**(b) Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**

**(c) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and**

**(d) Stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol regardless of any military order to that effect.**

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

255. The Committee notes the information in the State party report on special assistance and psychological and social support to refugee children. However, the Committee regrets the lack of information on psychological and physical recovery and social reintegration of refugee, asylum-seeking and migrant children who have been involved in armed conflict.

256. **The Committee encourages the State party to continue to strengthen, where necessary, the above-mentioned services inside and outside Iceland. The Committee requests that the State party provide information in its next report on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in armed conflict in their home country, as well as on the assistance provided for their physical and psychological recovery and their social reintegration.**

257. The Committee also 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.

### **Financial and other assistance**

258. **The Committee notes with appreciation the State party's cooperation at the multilateral level to address the issue of children in armed conflict, including the financial support to the United Nations specialized agencies. It is also encouraged by the State party's bilateral activities in the field. The Committee recommends that the State party continue to strengthen its bilateral and multilateral activities to address the issue of the involvement of children in armed conflict, in particular, paying attention to preventive work.**

### **Dissemination of documentation**

259. **In the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report and written replies submitted by the State party and the 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 its monitoring.**

### **D. Next report**

260. **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 (third and fourth) under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 26 May 2008.**

### **Concluding observations: Iceland**

261. The Committee considered the initial report of Iceland (CRC/C/OPSA/ISL/1) at its 1146th meeting (see CRC/C/SR.1146), held on 26 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

## **A. Introduction**

262. The Committee welcomes the submission of the State party's initial comprehensive report as well as the submission of the written replies to its list of issues (CRC/C/OPSC/ISL/Q/1). The Committee appreciates the frank and constructive dialogue held with the high-level delegation.

263. 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 31 January 2003 and contained in CRC/C/15/Add.203.

## **B. Positive aspects**

264. The Committee notes with appreciation the various measures taken by the State party to implement and to strengthen the protection of the rights in the Optional Protocol, in particular:

(a) The adoption of the Children's Act, No. 76/2003, which reinforces the rights of children in Iceland;

(b) The enactment of Act No. 40/2003 amending the General Penal Code and introducing a new definition of "trafficking in persons" and an increase in penalties for sexual offences against children; and

(c) The establishment of an office of the United Nations Children's Fund (UNICEF) in November 2003.

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

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

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

265. 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 identifiable mechanisms for the periodic evaluation of the implementation of the Protocol.

**266. The Committee encourages the State party to continue to strengthen coordination in the areas covered by the Optional Protocol, and to periodically evaluate the implementation of the Protocol.**

#### **National plan of action**

267. 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 national plan of action for children in the State party.

268. **The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children, as requested by the outcome document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002. Furthermore, it recommends that the State party pay special attention to the prevention of sexual exploitation of children, including child prostitution and child pornography.**

#### **Dissemination and training**

269. **The Committee welcomes the efforts undertaken by the State party to raise awareness among children, parents and various professions about the provisions of the Optional Protocol, and encourages the State party to continue to strengthen its efforts to raise awareness among its population, with particular attention to children and parents, about the provisions of the Optional Protocol through, inter alia, its inclusion in the school curricula. The Committee also recommends that the State party develop systematic and ongoing training programmes on the provisions of the Optional Protocol for all relevant professional groups.**

#### **Data collection**

270. **The Committee notes the absence of reported cases falling within the provisions of the Optional Protocol, with the exception of child pornography, and recommends that the State party undertake a study to assess the nature and extent of activities falling under the Optional Protocol, and to include information on efforts to identify unreported cases.**

#### **Budget allocations**

271. **The Committee regrets the limited information provided on budget allocations for the implementation of the provisions contained in the Optional Protocol.**

272. **The Committee recommends that the State party provide further information in its next report on the budget allocations for the comprehensive implementation of the Optional Protocol.**

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

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

273. **The Committee notes with appreciation the State party’s efforts to criminalize the sale of children, child prostitution and child pornography, notably by the adoption of the Child Protection Act, No. 80/2002 and the Children’s Act, No. 76/2003, and by the enactment of Act No. 40/2003 amending the General Penal Code and introducing a new definition of “trafficking in persons” as well as extensive legislation against prostitution. However, the Committee is concerned at the criminalization of child prostitutes. Furthermore, the Committee remains**

concerned at the rather low age for sexual consent (14 years), which may not provide adequate protection for children older than 14 years against sexual exploitation, the current statute of limitations in respect to sexual offences against children, and that legal persons cannot be held liable for offences established in article 3, paragraph 1, of the Optional Protocol.

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

- (a) Review its legislation with a view to ensuring that children engaged in prostitution are not criminalized, but rather seen as victims;**
- (b) Take legislative measures to ensure that children older than 14 years of age are effectively protected from sexual exploitation;**
- (c) Adopt the amendment bill to the General Penal Code, that would extend the statute of limitations in respect of sexual abuse cases against children; and**
- (d) Extend the liability for offences established in article 3, paragraph 1, of the Optional Protocol to legal persons.**

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

#### **Extraterritorial jurisdiction**

275. The Committee notes with concern the principle of “double criminality” in article 5 of the General Penal Code, which requires that a person who has committed a serious or lesser offence abroad can be punished in Iceland only if the act is punishable under the law of the country in which it was committed. The Committee is concerned that this requirement 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.

**276. The Committee recommends that the State party amend its legislation in order to abolish the requirement of double criminality for prosecution in Iceland of offences committed abroad.**

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

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

277. **While noting with appreciation Regulation No. 321/1999, on the arrangements for taking statements before a court from victims younger than 18 years of age, the Committee recommends that the State party continue to strengthen its measures to protect the rights and interests of child victims of the offences prohibited under the Optional Protocol at all stages of the criminal justice process.**

278. The Committee welcomes the information in the State party report on treatment services provided to child victims of sexual abuse by the Children's House (Barnahus). The Committee reiterates its recommendation that the State party continue to strengthen and to expand the coverage of the Children's House concept throughout the State party, including by providing adequate financial and human resources for its effective functioning. The State party is requested to include more information on the content and impact of such services and assistance programmes in its next periodic report.

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

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

279. The Committee notes with appreciation the various efforts taken by the State party with regard to prevention, including awareness-raising campaigns at national and local levels and the report of a government study in 2002 on the extent of child prostitution and pornography. The Committee recommends that the State party continue to strengthen its awareness-raising efforts and to take all necessary measures to implement promptly the recommendations contained in the government report.

280. While noting the existence of the current helpline for both adults and children operated by the Icelandic Red Cross, the Committee is concerned at information that due to lack of funding, the Red Cross has shut down the night shelter that was connected to the helpline, and that the State party does not have a helpline specifically for children.

281. The Committee recommends that the State party provide financial and technical support to create a helpline specifically for child victims of violence and abuse. It also recommends that the child helpline receive a nationally accessible, toll-free, three-digit number so that neither the helpline nor the child needs to pay for accessing hotline services, and further that the hotline provide 24-hour service.

### **Measures adopted to prohibit the production and dissemination of material advertising offences**

282. The Committee notes with appreciation the adoption of the National Policy on the Information Society for the period 2004-2007, including measures taken to ensure the safe use of the Internet by children. The Committee also notes the proposed amendment to the General Penal Code relating to the ratification and implementation of the Council of Europe Convention on Cybercrime (2001), and urges the State party to ratify the Convention without delay and to continue to strengthen measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the Optional Protocol.

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

### **Prevention**

283. While noting preventive measures undertaken by the State party, the Committee recommends that the State party strengthen its legislative framework and consider ratifying the United Nations Convention against Transnational Organized Crime, the

**Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention, and the Council of Europe Convention on Action against Trafficking in Human Beings.**

**Law-enforcement**

284. The Committee notes with appreciation the various bilateral and multilateral agreements signed by the State party in the domain of judicial and security cooperation, and recommends that the State party continue to strengthen its bilateral, regional and multilateral cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law-enforcement agencies of States facing problems in this area.

**Financial and other assistance**

285. The Committee notes with appreciation the State party's contributions and various child rights-related activities in the area of international cooperation, including bilateral and multilateral development cooperation, and encourages the State party to continue to strengthen its activities in the area of international cooperation, inter alia, by striving to achieve the United Nations 0.7 per cent target of GDP for international development assistance.

**7. Follow-up and dissemination**

**Follow-up**

286. 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 government ministries, the Parliament (*Althingi*) and to provincial authorities, for appropriate consideration and further action.

**Dissemination**

287. The Committee recommends that the initial report and written replies submitted by the State party, and the concluding observations adopted by the Committee, 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 its monitoring.

**D. Next report**

288. In accordance with article 12, paragraph 2, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its next periodic report (third and fourth) under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 26 May 2008.

### **Concluding observations: United Republic of Tanzania**

289. The Committee considered the second periodic report of the United Republic of Tanzania (CRC/C/70/Add.26) at its 1135th and 1137th meetings (see CRC/C/SR.1135 and 1137), held on 19 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

290. The Committee welcomes the submission of the second periodic report which is generally in compliance with the Committee's guidelines. The Committee also notes with appreciation the written replies to its list of issues (CRC/C/TZA/Q/2), which allowed for a clearer understanding of the situation of children in the State party.

291. The Committee notes with appreciation the open and constructive dialogue with the high-level delegation of the State party, which included experts from various ministries. It further 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**

292. The Committee notes with appreciation the adoption of policies and programmes aimed at protecting and promoting the rights of the child, such as:

- (a) The National Policy on HIV/AIDS in November 2001 and the National Multi Sectorial Strategic Framework on HIV/AIDS for 2003-2007;
- (b) The Policy for Child Survival, Protection and Development (CSPD) inaugurated by the Government of Zanzibar in 2001;
- (c) The National Refugee Policy, which provides for better conditions for refugee children, adopted in September 2003; and
- (d) The National Disability Policy in March 2004.

The Committee also welcomes the ratification of the following instruments:

- (e) 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, respectively in 2004 and in 2003;
- (f) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in 2001; and
- (g) The African Charter on the Rights and Welfare of the Child, in 2003.

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

293. The Committee notes that the high incidence of the HIV/AIDS epidemic in rural areas, together with certain traditional practices and customs in use there, continues to hamper progress in the effective implementation of the provisions of the Convention.

### **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**

294. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.156) made upon the consideration of the State party's initial report (CRC/C/8/Add.14/Rev.1) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, legislation, coordination, corporal punishment, child labour and juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

295. The Committee urges the State party to make every effort to address those recommendations contained in its 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.

#### **Legislation**

296. The Committee welcomes the information provided by the State party about the current legislative review process and that views of all stakeholders, including children, will be compiled, through the national "White Paper". However, the Committee remains concerned at the lack of a clear time frame to finalize the consultative process and enact "The Children's Act".

**297. The Committee urges the State party as a matter of priority to engage all efforts and resources necessary for the enactment of the Children's Act in Tanzania mainland and a similar Act in Zanzibar. It further urges the State party to ensure that all of its domestic and customary legislation conforms fully to the principles and provisions of the Convention, thus making possible its effective implementation.**

#### **Coordination**

298. While noting with appreciation the different measures and programmes to coordinate child-related matters, including the establishment of the Department of Children Development in 2003 within the Ministry for Community Development, Gender and Children, the Committee remains concerned at the lack of a strong and effective coordination of all activities related to the implementation of the Convention on the Rights of the Child that ensure a uniform approach in both Tanzania mainland and Zanzibar.

299. **The Committee urges the State party to strengthen the ability of the Department of Children Development to effectively coordinate with other ministries and departments, and local government authorities, dealing with children. Adequate human and financial resources should be provided for an effective performance of its tasks and responsibilities with a view to decreasing and eliminating disparity or discrimination between the Tanzania mainland and Zanzibar in the implementation of policies for the promotion and protection of the rights of the child.**

#### **National plan of action**

300. The Committee welcomes the information that the State party has prepared the National Programme of Action for both Tanzania mainland and Zanzibar, and has circulated it to the various stakeholders for their comments. It is nevertheless concerned that the State party has not yet finalized its revised Child Development Policy of 1996.

301. **The Committee recommends that the State party finalize the process of adoption of the revised Child Development Policy, which would provide a clear framework linked to broader intersectoral policies and strategies for children. It further recommends that the State party expedite its efforts in adopting 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 General Assembly Special Session for Children.**

#### **Independent monitoring**

302. The Committee welcomes the establishment of the Special Desk for Children’s Affairs within the Commission for Human Rights and Good Governance. It notes, in particular, the activities undertaken by the Commission to, inter alia, conduct inspection visits to prisons and to investigate complaints relating to children and youth. However, the Committee is concerned about the accessibility and availability of the Commission to all children in the country and about the human and financial resources allocated to it.

303. **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, undertake all effective measures to ensure that the Commission for Human Rights and Good Governance be easily accessible to, and user-friendly for, all children. In particular, the Committee recommends that the State party conduct awareness-raising campaigns about the work of the Commission, including the work of the Special Desk for Children’s Affairs and its procedures, in order to facilitate children’s access to its complaints mechanisms. Adequate financial and human resources should be allocated for its effective functioning.**

#### **Resources for children**

304. The Committee notes with appreciation the increase in budget allocations for the implementation of the Convention on the Rights of the Child. However, these allocations are insufficient to respond to national and local priorities for the protection and promotion of children’s rights.

**305. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by developing appropriate mechanisms to track, monitor, and influence investments and to budget allocations in favour of children as a cross-cutting concern within the clusters and sectoral development programmes of the National Strategy for Economic Growth and Reduction of Poverty (NSGRP), known as Mkukuta in Tanzania mainland and Mkuza in Zanzibar.**

#### **Data collection**

306. While taking note of the efforts made in improving the data collection system by the different ministries departments agencies, the Committee remains concerned at the lack of a centralized data collection system.

**307. The Committee recommends that the State party strengthen its system of collecting disaggregated 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 Committee also recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund.**

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

308. The Committee notes with appreciation the efforts made by the State party, including the translation of the Convention into Kiswahili, along with other programmes such as the Day of the African Child and the World Day Against Child Labour. Nevertheless, it is of the opinion that additional progress needs to be made by the State party with regard to raising awareness of the principles and provisions of the Convention.

**309. 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 that the State party develop and disseminate child-friendly versions of key documents, plans and policies that affect children. It also recommends the reinforcement of adequate and systematic training for all professional groups working for and with children, in particular law-enforcement officials; teachers, including teachers in rural and remote areas; health-service personnel; social workers; and personnel in childcare institutions.**

#### **Cooperation with civil society**

310. The Committee welcomes the cooperation between the State institutions, civil society organizations and non-governmental organizations (NGOs) in the implementation of projects related to children's rights. Nevertheless, the Committee notes that there is a need to further improve and formalize this cooperation in order to enhance sustainability and continuity.

**311. The Committee encourages the State party to strengthen its cooperation with NGOs and other sectors of civil society working for and with children, in a more systematic and consistent fashion throughout all stages of implementation of the Convention.**

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

312. The Committee notes with appreciation that the State party has raised the minimum age of employment from 12 to 14 years. However, the Committee reiterates its concern that the minimum age for marriage is 15 years for girls and 18 for boys.

**313. The Committee recommends that the State party set a clear definition of a child in the draft Children's Act that is in line with the Convention on the Rights of the Child. It further recommends that the State party establish one legal minimum age for marriage, at an internationally acceptable level, for both boys and girls.**

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

### **Non-discrimination**

314. While noting that the State party has reviewed certain discriminatory legislation to ensure that children's rights are not breached, the Committee expresses concern at the fact that discrimination against certain groups of children still exists in legislation as well as in practice, particularly with regard to teenage pregnant girls, children with disabilities, children of asylum-seekers, children infected with and/or affected by HIV/AIDS, and street children.

**315. The Committee urges that the State party continue revising all its legislation in order to bring it in full compliance with article 2 of the Convention, and to ensure full implementation in practice of all legal provisions. The Committee recommends that the State party carry out comprehensive public education campaigns to prevent and combat all forms of discrimination.**

**316. The Committee requests that specific information be included in the State party's 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 the aims of education of 2001 (CRC/GC/2001/1).**

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

317. The Committee is encouraged by the State party's efforts to promote and respect children's right to freely express their views, notably through the establishment of the Junior Council in 2002 with a nationwide initiative. Nevertheless, 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. It is also concerned that the Junior Council has not yet been incorporated into the decision-making process either at central or local levels.

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

**the Convention. It also recommends that the State party formalize structures of participation for children and young people, and in particular that it provide support to the Junior Council, so that the Council can function effectively as the nationally representative body for children. It further recommends that the State party develop strategies to reach the most marginalized groups of children with necessary information, and that it involve them in public debates, by working with all stakeholders particularly at local level.**

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

##### **Birth registration**

319. While welcoming the measures taken by the State party in this respect, including the introduction of the Civil Registration Programme in Local Governments Authorities as well as the establishment of a Birth Registration office in all Districts and Shehias in Zanzibar, the Committee remains concerned at the difficulties in ensuring the birth registration of children, particularly in rural areas.

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

- (a) Ensuring birth registration free of charge;**
- (b) Introducing mobile birth registration units in order to reach the remote areas;**
- (c) Taking appropriate measures to register those who have not been registered at birth; and**
- (d) Formalizing links between various service delivery structures and promoting awareness and appreciation of the importance of birth registration through mass campaigns that provide information on the procedure of birth registration, including the rights and entitlements derived from the registration, through, inter alia, television, radio and printed materials.**

##### **Corporal punishment**

321. While noting various initiatives undertaken by the State party in campaigning against corporal punishment, including the establishment of two non-corporal punishment pilot schools in Zanzibar, the Committee deeply regrets that corporal punishment is still lawful in schools and in the penal system. The Committee is further concerned that corporal punishment is lawful in the family and alternative-care institutions.

322. **Taking into account its general comment No. 1 on the aims of education (CRC/GC/2001/1) and general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), the Committee urges the State party:**

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

(b) **To sensitize and educate parents, guardians and professionals working with and for children, by carrying out public educational campaigns about the harmful impact of corporal punishment; and**

(c) **To 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)**

**Alternative care**

323. The Committee welcomes the National Guidelines for Care and Protection of Orphans and Vulnerable Children in Institutional Care, but it remains concerned that these Guidelines are not always effectively implemented.

324. **The Committee recommends that the State party undertake the necessary measures to fully implement the National Guidelines for the Care and Protection of Orphans and Vulnerable Children. The Committee reiterates its recommendation (see CRC/C/15/Add.156, para. 41) that the State party continue and strengthen its efforts to allocate appropriate human and financial resources to ensure the provision of adequate care and protection to children deprived of a family.**

**Adoption**

325. The Committee notes with satisfaction that domestic adoption is encouraged. Nevertheless, intercountry adoption exists for applicants who reside in other Eastern African countries.

326. **The Committee encourages the State party to further the steps undertaken to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

**Child abuse and neglect**

327. The Committee welcomes the adoption of a National Plan of Action by the Ministry of Community Development Gender and Children in 2003, aimed at combating violence against children and women. It further notes with appreciation the establishment of a Counselling Unit

in Zanzibar to which neglected children can direct complaints. Nevertheless, the Committee is concerned that appropriate mechanisms for containing or preventing abuse of children are insufficient.

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

- (a) Strengthen its existing measures to prevent child abuse and neglect;**
- (b) Strengthen the capacity of the Children's Desk within the Commission for Human Rights and Good Governance to investigate, review and respond to child rights complaints;**
- (c) Follow-up on recommendations of the Commission for Human Rights and Good Governance, which resulted from its public inquiry into violence against children;**
- (d) Consider establishing a toll-free, nationwide telephone helpline for children, resourced with well-trained professionals and volunteers; and**
- (e) Stimulate the creation of networks and partnerships aimed at eliminating violence against children.**

**329. In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (see General Assembly resolution 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 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 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.**

## **6. Basic health and welfare**

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

### **Children with disabilities**

**330. While welcoming the establishment of the National Advisory Council to monitor rehabilitation centres for children with disabilities, the Committee remains concerned at the limited understanding of the situation of children with disabilities, the limited capacities for early detection and treatment of children with disabilities, the inaccessibility of buildings and transportation to children with disabilities, and the absence of an inclusive policy with regard to children with disabilities.**

**331. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and its recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party:**

**(a) Further encourage the integration of children with disabilities into the regular educational system and their inclusion into society;**

**(b) Pay 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; and**

**(c) Improve and strengthen early detection and treatment services through the health and education sector.**

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

332. The Committee welcomes the introduction of the Integrated Management of Childhood Diseases (IMCI), but remains concerned at the high infant and under-five mortality rates, and at those health insurance schemes, such as the Community Health Funds (CHF), that are inaccessible to the very poor. Distances from villages to the health-care centres, and poorly resourced centres, also impact upon access. The Committee is also concerned that a high percentage of children under 5 are chronically malnourished or stunted. It is further concerned at the enjoyment of the right to health by children, particularly with regard to access to generic medicine.

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

**(a) Undertake all necessary measures to reduce infant and under-five mortality rates, including by improving prenatal care and preventing communicable diseases;**

**(b) Allocate more financial resources to health services, in particular with a view to improving access to safe drinking water and sanitation facilities;**

**(c) Develop appropriate national strategies to address the critical nutritional needs of children, particularly among the most vulnerable groups, through a holistic and intersectoral approach that recognizes the importance of feeding practices;**

**(d) Ensure that regional and other free-trade agreements do not have a negative impact on the enjoyment of the right to health by children, in particular with regard to access to generic medicine; and**

**(e) Create an environment to reduce distances to child health clinics for mothers and pregnant mothers.**

#### **Adolescent health**

334. The Committee notes with concern the high rate of teenage pregnancies and the fact that the State party does not pay sufficient attention to adolescent health issues, including developmental, mental and reproductive health concerns.

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

(a) **Undertake a comprehensive study to assess the nature and the extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with particular focus on the prevention of HIV/AIDS and other sexually transmitted diseases, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development;**

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

(c) **Ensure the inclusion of reproductive health education in the school curriculum and fully inform adolescents of reproductive health rights, including the prevention of teenage pregnancies and sexually transmitted diseases, including HIV/AIDS; and**

(d) **Continue to provide support to pregnant teenagers and ensure the continuation of their education.**

#### **HIV/AIDS**

336. While welcoming the establishment of the Tanzanian Commission on Aids (TACAIDS) in December 2000 and the adoption of a National Policy on HIV/AIDS in November 2001, the Committee remains concerned at the high prevalence rate of HIV/AIDS, especially among women in their childbearing years, compounded, in part, by inappropriate traditional practices, stigmatization and the lack of knowledge of prevention methods. It is further concerned at the fact that only a limited number of HIV/AIDS-infected children have access to antiretroviral medication.

337. **The Committee recommends that the State party, taking into account its general comment No. 3 on HIV/AIDS and the rights of children (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), continue:**

(a) **To strengthen its efforts in combating the spread and effects of HIV/AIDS, in particular by effectively implementing the 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 ensuring the provision of antiretroviral drugs and formula-feeding for infants;**

(b) **To systematically include comprehensive information about HIV/AIDS and sex education, including condom promotion, and provide training to teachers and other education personnel on teaching about HIV/AIDS and sex education;**

(c) **To integrate respect for the rights of the child into, and involve children, in the development and implementation of its HIV/AIDS policies and strategies; and**

(d) **To expand assistance to children orphaned and made vulnerable by HIV/AIDS.**

### **Harmful traditional practices**

338. The Committee notes with appreciation the efforts undertaken by the State party to address the practice of female genital mutilation (FGM), including the launch of the East African Network on the Elimination of Female Genital Mutilation. However, the Committee reiterates its concern that FGM is still widely practised.

**339. The Committee recommends that the State party strengthen its legislative measures regarding FGM and conduct awareness-raising campaigns to combat 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 to prohibit harmful practices, engaging with the extended family and the traditional and religious leaders.**

**340. The Committee recommends that the State party ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

### **Right to an adequate standard of living**

341. The Committee notes with appreciation that the revised Poverty Reduction Strategy, known as Mkukuta, pays particular attention to the need for a comprehensive social protection policy and a framework for its implementation. However, the Committee remains concerned about widespread poverty and the increasingly high number of children who do not enjoy the right to an adequate standard of living, including children belonging to disadvantaged families, children infected with and/or affected by HIV/AIDS, and street children.

**342. The Committee reiterates its recommendation (see CRC/C/15/Add.156, para. 55) that the State party strengthen its efforts to provide support and material assistance to marginalized and disadvantaged families and to guarantee the right of children to an adequate standard of living. The Committee further recommends that the State party, based on its commitment expressed in Mkukuta, urgently develop a comprehensive social protection framework with the highest priority given to most vulnerable children.**

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

343. The Committee commends the State party for the abolition of school fees for primary education in 2002 and the introduction of the Primary Education Development Plan in 2000-2005, which focused on increasing enrolment and retention, closing gender parity, improving the quality of learning and teaching, capacitating the education systems and strengthening the institutional arrangement that supports the planning and delivery of education services. Despite these positive steps, the Committee is concerned about access to quality education at all levels; the poor physical environment of schools, which often lack appropriate water and sanitation facilities; and the high dropout rates due to pregnancy, early marriage and retention.

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

- (a) **Improve the overall quality of education;**
- (b) **Increase enrolment rates in secondary education as well as attempts to bring dropouts back to schools and to other vocational training centres;**
- (c) **Review the 1992 Education Act on Tanzania mainland to prohibit the expulsion of pregnant teenagers from schools;**
- (d) **Develop programmes that link learning with livelihood skills;**
- (e) **Ensure that teachers are adequately trained and paid;**
- (f) **Provide schools with adequate facilities;**
- (g) **Undertake additional efforts regarding facilities for informal education to vulnerable groups, including street children, orphans, children with disabilities, and child workers; and**
- (h) **Include human rights education as part of the curriculum.**

#### **Leisure, recreation and cultural activities**

345. The Committee is concerned at the limited access to leisure, recreational and cultural activities.

346. **The Committee recommends that the State party undertake measures to improving children's access to, and the quality of, sports facilities, cultural activities and other leisure facilities.**

### **8. Special protection measures**

**(arts. 22; 38; 39; 40; 37, paras. (b)-(d); 32-36; 30 of the Convention)**

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

347. The Committee notes with appreciation the State party's long-standing generous approach to receiving refugees from the neighbouring countries and its ongoing efforts to revise and update its refugee legislation and policy, which attempts to incorporate international standards and best practices for the protection of refugees, particularly children. However, the Committee remains concerned at the current delay in the processing of newly arrived Burundian and Congolese asylum-seekers, including a high number of children. It is also concerned at the high number of incidents of rape and other forms of sexual abuse.

348. **The Committee recommends that the State party strengthen its efforts to address the current delays in the processing of newly arrived Burundian and Congolese asylum-seekers by establishing ad hoc committees. It also recommends that the State party**

**improve the protection response and follow-up for cases of sexual and gender-based violence, particularly those involving children, and that it expedite the revision of its legislation on refugees' related matters. It further recommends that the State party continue seeking international assistance and cooperation with the United Nations High Commissioner for Refugees.**

### **Street children**

349. The Committee welcomes the steps undertaken by the State party to address the issue of street children, but expresses concern at the significant number of street children and the vulnerability of these children to various forms of violence, including sexual abuse and exploitation, and at the lack of a systematic and comprehensive strategy to address the situation of, and to protect, these children. The Committee is further concerned at the fact that street children are perceived as delinquents and criminals.

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

(a) **Develop a comprehensive strategy to address the high number of street children, with the aims of reducing and preventing this situation;**

(b) **Ensure that street children are provided with adequate nutrition and shelter, as well as with health care and educational opportunities, in order to support their full development;**

(c) **Raise awareness of the issue of street children in order to change negative public attitudes about them, particularly among law-enforcement officers; and**

(d) **Ensure that these children are provided with recovery and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, and where possible and when in the best interests of the child, services for reconciliation with a view to reintegration with their families.**

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

351. While welcoming the ratification of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Committee is deeply concerned at 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 deprives them of their health, education and development.

352. **The Committee urges the State party to strengthen the capacity of the institutions responsible for the control and protection of child labour. It further recommends that the State party, with the support of the 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 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment.**

### **Sexual exploitation**

353. The Committee is concerned at the information provided by the State party that the phenomenon of children engaged in prostitution is growing quickly and steadily.

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

(a) **Strengthen its legislative measures and develop an effective and comprehensive policy that addresses the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

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

(c) **Implement appropriate 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.**

### **Drug abuse**

355. The Committee notes with appreciation the extensive mass-awareness campaigns undertaken by the Drug Control Commission. However, the Committee remains concerned that many children and teenagers are involved in drug abuse.

356. **The Committee recommends that the State party strengthen its measures to prevent and end drug abuse among children and to support recovery programmes for child victims of drug abuse. The Committee further recommends that the State party seek technical cooperation from, inter alia, the World Health Organization and UNICEF.**

### **Juvenile justice**

357. While recognizing the efforts made in this domain, including the introduction of human rights education in the police and prison college's curricula, so as to increase awareness on human rights, including child rights, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. Children are in some instances detained in the same cells as adults, and those between the ages of 16 and 18 may not be afforded the same protection as younger children under the juvenile justice system.

358. **The Committee urges the State party to ensure the full implementation of juvenile justice standards, in particular articles 37, paragraph (b), 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 the light of the Committee's day of general discussion on the administration of juvenile justice. In this regard, the Committee recommends that the State party:**

- (a) **Extend to the rest of the country the experience of the juvenile justice court in Dar-es-Salam;**
- (b) **Clearly establish the age of criminal responsibility at 12 years, or at an older age that is an internationally accepted standard, and ensure that children between the ages of 16 and 18 are not considered as adults and are afforded the same protection as younger children under the juvenile justice system;**
- (c) **Prohibit all forms of corporal punishment for persons under the age of 18 years in penal institutions;**
- (d) **Take all necessary measures to ensure that persons under the age of 18 are only deprived of liberty as a last resort, and that children, if detained, remain separated from adults;**
- (e) **Implement alternative measures to deprivation of liberty, such as diversion, probation, counselling and community services;**
- (f) **Ensure that persons under 18 years of age in conflict with the law have access to legal aid as well as to independent and effective complaints mechanisms;**
- (g) **Improve child-sensitive court procedure 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);**
- (h) **Ensure that both sentenced and released persons under the age of 18 are provided with educational opportunities, including vocational and life-skills training, and recovery and social reintegration services, in order to support their full development; and**
- (i) **Continue to seek technical assistance and cooperation from, inter alia, the United Nations Inter-Agency Panel on Juvenile Justice.**

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

359. **The Committee recommends that the State party submit, preferably at the same time, its initial reports to 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, in order to facilitate the consideration of both reports by the Committee.**

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

### **Follow-up**

360. **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**

361. **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 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**

362. **The Committee invites the State party to submit a consolidated third, fourth and fifth report by 9 January 2012 (that is, 18 months before the due date of the fifth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: Canada**

363. The Committee considered the initial report of Canada (CRC/C/OPAC/CAN/1) at its 1218th meeting (see CRC/C/SR.1218), held on 17 May 2006, without the presence of a delegation of the State party which, in accordance with the Committee's decision No. 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted, at the 1157th meeting held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

364. The Committee welcomes the submission of the State party's initial report and the written replies to the list of issues which give detailed information on the legislative, administrative, judicial and other measures applicable in Canada with respect of the rights guaranteed by the Optional Protocol.

365. The Committee reminds the State parties that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 3 October 2003 contained in CRC/C/15/Add.215.

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

366. The Committee welcomes:

(a) The amendment to the National Defence Act (NDA), which came into effect in 2000, entrenching into law the pre-existing policy of the Canadian Forces of precluding persons under the age of 18 years from being deployed into areas where hostilities are taking place or armed combat is a possibility;

(b) The support of the Canadian International Development Agency (CIDA) to a number of research initiatives through the Child Protection Research Fund (CPRF) as well as the appointment of a Special Advisor on War-Affected Children to CIDA and to the Minister for International Cooperation;

(c) The creation of a Child Protection Unit within CIDA.

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

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

##### **National plan of action**

367. The Committee welcomes the launching, in 2001, of the CIDA's Action Plan on Child Protection which promotes the rights of children in need of special protection and identifies children affected by armed conflict as one of the areas of strategic focus for the plan. The Committee further welcomes that in the 2004 National Plan of Action "A Canada fit for children", there is continuous support to address the needs of children affected by armed conflict and to prevent the military recruitment of children.

368. **The Committee recommends that the State party provide further information on the impact and/or results of these action plans when submitting information with respect to the implementation of the Protocol in its next periodic report prepared in accordance with article 44 of the Convention (see paragraph 18 below).**

##### **Legislation**

369. **The Committee welcomes the enactment in 2000 of the Crimes Against Humanity and War Crimes Act implementing the Rome Statute by which authors of genocide, crimes against humanity and war crimes (including that of "conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities") may be prosecuted for that offence if present in Canada after the time the offence is alleged to have been committed. In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

(a) **Establish extraterritorial jurisdiction for the violation of the provisions of the Optional Protocol regarding the recruitment and involving of children in hostilities when they are committed by or against a person who is a citizen of or has other links with the State party; and**

(b) **Ensure, through legislation, that military personnel not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect.**

## 2. Recruitment of children

### Voluntary recruitment

370. The Committee notes with appreciation that section 20 (3) of the National Defence Act makes it mandatory to have the consent of one of the parents or the guardian of a person between 16 and 18 years before such person is enrolled in the Canadian Reserve or Regular Forces, in accordance with article 3 (b) of the Protocol. However, the Committee is concerned that, in light of article 38, paragraph 3, of the Convention, no measures have been taken to give priority in the recruitment process to those who are the oldest.

**371. The Committee recommends that the State party give priority, in the process of voluntary recruitment, to those who are oldest and consider increasing the age of voluntary recruitment.**

### Military schools

**372. The Committee invites the State party to provide further information on the status of children attending the Royal Military College, particularly as to whether they are considered as just civilian students of a military college or already as military recruits.**

## 3. Involvement of children in hostilities

### Prisoners of war

373. The Committee notes that the Canadian Forces' rules and procedures regarding the capture of persons under the age of 18 during hostilities are the same as those applicable to all captured persons and that all juvenile detainees are segregated from adults and treated with special respect in accordance with the State party's international obligations. However, the Committee is concerned at the lack of information about measures taken to ensure that captured persons below 18 are treated in accordance with international standards of human rights and humanitarian law when transferred to other national authorities.

**374. The Committee recommends that the State party ensure that - when detained persons under the age of 18 captured in areas of armed conflict are transferred to other national authorities - this transfer occurs only as long as there is a reason to believe that their human rights will be respected and as long as the State party is satisfied that the receiving State is willing and able to apply the Geneva Conventions. The State party should also provide specific information in this respect in its next report.**

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

### Assistance for physical and psychological recovery

**375. While the Committee welcomes the information that psychological and physical recovery and social reintegration of immigrant and refugee children affected by armed conflict is provided through appropriate services existing at provincial and territorial**

levels. The Committee encourages the State party to continue, and strengthen where necessary, the above-mentioned services and to provide concrete information on the children who benefited from these services in its next report.

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

### **Protection of victims**

376. While acknowledging that the State party is a consistent advocate of improved and restrictive controls on the transfer of small arms and light weapons and that it has been active in proposing common principles to promote their responsible transfer, the Committee also notes that small arms and light weapons are exported from the State party. In this respect, the Committee recommends that the State party ensure that its domestic legislation and practice prohibit in any case the trade of small arms and light weapons to countries where persons who have not attained the age of 18 may take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State. The Committee also invites the State party to provide specific information on this issue in its next report.

### **Financial and other assistance**

377. The Committee commends the State party's financial support to numerous United Nations agencies and international organizations having programmes for children affected by war, including UNICEF, the United Nations Development Programme (UNDP), the World Bank and the International Committee of the Red Cross (ICRC). It also welcomes the State party's support to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and to various non-governmental organizations.

378. The Committee recommends that the State party continue its cooperation for a full implementation of the Optional Protocol, including in the prevention of any activity contrary thereto and in the physical and psychological recovery and social reintegration of persons who are victims of acts contrary thereto.

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

379. While the Committee notes that the Optional Protocol is disseminated through the Department of Canadian Heritage's website and that it is distributed to any interested person upon request, it recommends that the State party strengthen 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, through, inter alia, school curricula in a child-friendly version.

380. In the light of article 6, paragraph 2, of the Optional Protocol, 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.

#### **D. Next report**

381. **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 combined third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, which are due on 11 January 2009.**

#### **Concluding observations: Lebanon**

382. The Committee considered the third periodic report of Lebanon (CRC/C/129/Add.7) at its 1142nd and 1144th meetings (see CRC/C/SR.1142 and 1144) held on 24 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

383. The Committee welcomes the submission of the State party's third periodic report, which provided a thorough and self-critical perspective to the implementation of the rights of the child in Lebanon. It also welcomes the State party's written replies to its list of issues (CRC/C/LBN/Q/3), which allowed for a clearer understanding of the situation of children in the State party. The Committee further notes with appreciation the constructive dialogue it had with the high-level, cross-sectoral delegation, which provided additional information in the course of dialogue.

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

384. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 8 November 2004 and of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 5 October 2005.

385. The Committee notes with appreciation the very many activities of the Higher Council for Childhood, for example in the legislative area and for awareness-raising and training, and the establishment of various specialized commissions within the Council, such as on sexual exploitation, child abuse and neglect, and child participation.

386. The Committee welcomes the establishment of new institutions for the implementation and promotion of children's rights, such as the centre for child victims of sexual violence and the centre to combat child labour.

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

387. The Committee acknowledges that the recent political turmoil in the State party is a factor impeding the full implementation of the provisions of the Convention in the State party.

## **D. 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**

388. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.169) made upon the consideration of the State party's second periodic report (CRC/C/70/Add.8) through legislative measures and policies. However, some of the concerns it expressed and recommendations it had made regarding, inter alia, independent monitoring, the minimum age for marriage, the very low age of criminal responsibility, the right to a nationality, the right to be protected against violence, and abuse and the protection of refugee children, including Palestinian children, have not been sufficiently addressed.

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

#### **Legislation**

390. The Committee acknowledges the legislative efforts of the State party to strengthen the implementation of children's rights shown by the amendments to various laws and the preparation of bills but it is concerned at the slow progress made in this regard.

**391. The Committee recommends that the State party expedite and strengthen its efforts to harmonize its legislation fully with the provisions and principles of the Convention, and that it provide the necessary human and financial resources for the full and effective implementation of its domestic laws in order to better protect the rights of the child.**

#### **National plan of action**

392. The Committee notes the preparation by the Higher Council for Childhood of a national plan for the advancement of children in Lebanon that will take into account the General Assembly special session document (2002) "A world fit for children" and the Arab Action Plan for Children.

**393. The Committee recommends that the State party as a matter of priority complete, in consultation and cooperation with relevant partners, including civil society, this national plan of action for children, and that it ensure that the plan contain specific, and where appropriate, time-bound targets and measures for the implementation of the Convention. It recommends that the State party provide the necessary human and financial resources and adequate follow-up mechanisms for its full implementation.**

## Coordination

394. The Committee welcomes the activities of the Higher Council for Childhood, which includes representatives from governmental and non-governmental organizations, that endeavour to coordinate the implementation of the rights of the child and related policies and programmes in Lebanon, including the programme of cooperation with the Ministry of Interior and Municipal Affairs to enhance the role of municipalities in the implementation of the Convention and the coordination and creation of networks with non-governmental organizations and international organizations working with and for children. Nevertheless, the Committee is concerned that the coordination of existing policies and programmes is rather sectoral and fragmented, and that coordination of implementation at regional and local levels is still insufficient.

**395. The Committee recommends that the Higher Council for Childhood continue to strengthen its coordination role in relation to the various governmental bodies and non-governmental organizations involved in the implementation of the rights of the child at national, regional and local levels, in order to ensure uniform implementation of the child rights policies and programmes in all parts of the country. In this regard, the Committee recommends that the State party provide the Higher Council for Childhood with the specific mandate for this coordination, and that the State party strengthen its capacity to evaluate, based on a proper data collection and analysis, the implementation of the Convention.**

## Independent monitoring

396. The Committee welcomes the information that the establishment of a National Human Rights Institution and/or a specific children's ombudsperson is under consideration/discussion, but regrets, with reference to its previous recommendations in this regard adopted in 1996 (CRC/C/15/Add.54) and 2002 (CRC/C/15/Add.169), that no further progress has been made.

**397. The Committee urges the State party to establish an independent national human rights institution in accordance with the Paris Principles and, taking into account its general comment No. 2 (2002) on the role of independent national human rights institutions. The Committee also urges the State party to ensure that the national human rights institution has a clear mandate to monitor children's rights at national, regional and local levels and to receive and investigate complaints on the violations of children's rights from the public, including individual children. The Committee further urges the State party to provide this national human rights institution with adequate financial, human and material resources.**

## Allocation of resources

398. The Committee takes note of the State party's national expenditure on health care, social services and education, and it shares the State party's concern at the inefficiency observed in government expenditure on social services. It notes with concern the lack of budget allocations for children at the local level.

399. **The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated for the realization of children's rights to the "maximum extent ... of available resources", take the necessary measures to impose the efficiency of the expenditure, and give special attention to budget allocation for children, in particular for the most vulnerable children, at the local level.**

#### **Data collection**

400. The Committee welcomes the implementation of the "Child Info" programme on indicators relating to children and it is encouraged by the plan to establish a research, information and documentation centre for childhood within the framework of the programme of cooperation between the Lebanese Government and the United Nations Children's Fund (UNICEF) 2002-2006. However, the Committee is concerned about inadequate mechanisms to collect, analyse and disaggregate statistical data on children and adolescents, and it regrets the lack of updated information and data concerning many issues covered by the Convention, for example, suicides among adolescents, residential care institutions, youth literacy, working children, Palestinian refugee children, children belonging to minorities and migrant children.

401. **The Committee recommends that the State party continue to strengthen its mechanisms for data collection and develop indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and that they are disaggregated, inter alia, by age for all persons under 18 years, gender, urban and rural area, and by those groups of children who are in need of special protection. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention. In addition, the Committee recommends that the State party continue to seek technical cooperation from UNICEF.**

#### **Cooperation with civil society**

402. The Committee notes with appreciation the State party's close collaboration with non-governmental organizations and the active role of civil society in the implementation of the rights of the child and in the provision of education, health and social services. As regards the process of privatizing or contracting out services to non-governmental organizations, the Committee notes with concern the weak accountability and transparency of this process, as well as the lack of critical information provided by external monitoring and assessment mechanisms.

403. **The Committee recommends that the State party take into account the recommendations adopted on its Day of General Discussion on the Private Sector as Service Provider and its Role in Implementing Child Rights (CRC/C/121) and:**

(a) **Continue to strengthen its cooperation with non-governmental organizations, and involve them systematically at all stages in the implementation of the Convention, as well as in policy formulation;**

(b) **Provide non-governmental organizations with adequate financial and other resources when they are involved in discharging governmental responsibilities and duties with regard to the implementation of the Convention;**

**(c) Ensure, for example, by providing guidelines and standards for service provision that non-governmental organizations, both for-profit as well as not-for-profit, fully comply with the principles and provisions of the Convention on the Rights of the Child; and**

**(d) When privatizing or contracting out services to non-governmental organizations, enter into detailed agreements with the service providers, ensure effective monitoring of implementation as well as transparency of the entire process.**

### **Dissemination of the Convention and training activities**

404. The Committee welcomes the State party's efforts to promote awareness of the rights of the child and to disseminate the Convention in close collaboration with UNICEF and non-governmental organizations. Nevertheless, 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.

**405. The Committee recommends that the State party strengthen its efforts to disseminate the Convention both to children and to the broader public, including appropriate material specifically for children translated in the different languages spoken in Lebanon, including those spoken by migrant and refugee children. In addition, it recommends that the State party undertake systematic education and training programmes on the provisions of the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography for all professional groups working for and with children, such as judges, lawyers, law-enforcement officials, civil servants, teachers, and health personnel including psychologists and social workers.**

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

406. The Committee notes with concern that the minimum age for marriage still depends on a person's religion (acknowledging that there are 18 official recognized religious and confessional groups in the State party). It also notes with concern that there are different minimum ages for marriage for boys and girls within the same religious or confessional group.

**407. The Committee recommends, referring to its previous recommendation (CRC/C/15/Add.169, para. 22) adopted following the consideration of the State party's second periodic report, that the State party take urgent measures to engage the religious and confessional groups in efforts to prohibit in practice early and/or forced marriages, and to adjust to that effect (the implementation of) existing provisions applicable for these communities.**

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

#### **Non-discrimination**

408. The Committee notes with appreciation that article 7 of the Constitution of Lebanon promotes the principle of non-discrimination. However, it notes with concern that the Constitution and domestic laws guarantee equal status only to Lebanese children, but leave,

for example, foreign children and refugee and asylum-seeking children without such protection. It is concerned at the persistent de facto discrimination faced by children with disabilities, the aforementioned foreign, refugee and asylum-seeking children, Palestinian children, children living in poverty, children in conflict with the law, and children living in rural areas, especially with regard to their access to adequate social and health services and educational facilities. The Committee also notes with concern the reports of the expressions of racial discrimination and xenophobia in the State party.

**409. The Committee recommends that the State party strengthen its efforts to eliminate discrimination against children with disabilities, foreign, refugee and asylum-seeking children, Palestinian children, children living in poverty, children in conflict with the law, and children living in rural areas and other vulnerable groups:**

**(a) By reviewing domestic laws with a view to ensure that children in the Lebanese territory are treated equally and as individuals;**

**(b) By ensuring that these children have equal access to health and social services and to quality education, and that services used by these children are allocated sufficient financial and human resources;**

**(c) By enhancing monitoring of programmes and services implemented by local authorities with a view to identifying and eliminating disparities; and**

**(d) By preventing racial discrimination and xenophobia targeting certain foreign groups, including refugee and asylum-seeking children.**

**410. 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 in order 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**

411. While noting that the State party has given consideration to the principle of the best interests of the child, the Committee is of the view that this principle is not adequately reflected in the State party's legislation, policies and programmes.

**412. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this general principle is taken into account when judicial, administrative, policy, or other decisions are made.**

#### **Right to life, survival and development**

413. The Committee expresses its deep concern at "the crimes committed in the name of honour" affecting children both directly and, through their mothers, indirectly. It notes with particular concern that, according to article 562 of the Penal Code, a man who kills his wife or

other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. According to the information provided by the State party, some of these crimes have been committed by children.

**414. In the light of article 6 of the Convention, the Committee strongly recommends that the State party review as a matter of priority its domestic legislation, particularly article 562 of the Penal Code, with a view to addressing “honour crimes” in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed in the name of “honour”. It recommends that the State party provide special training and resources to law-enforcement personnel with a view to investigating and prosecuting such cases in an effective way. Furthermore, the State party should raise awareness of this socially and morally unacceptable practice, involving also religious and community leaders.**

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

415. The Committee notes with appreciation the State party’s efforts to promote and respect children’s right to freely express their views and to participate in society, such as children’s municipality councils and youth cabinets, and the national plan of action to increase the participation of children and young people. In particular, the Committee welcomes the State party’s efforts to promote the right to participation of those children who belong to the most vulnerable groups, such as Palestinian refugee children.

416. Nevertheless, the Committee notes with concern that the religious and sharia courts decide on issues related to custody and care of the child without hearing the child’s opinion. It also shares the State party’s concern that the traditional attitudes in Lebanese society may limit children’s right to freely express their views within the family, in schools and in the community at large.

**417. In the light of article 12 of the Convention, the Committee recommends that the State party continue to strengthen its efforts to promote respect for the views of all children and to facilitate their participation in all matters affecting them within the family, in schools, in institutions, and in judicial procedures, including procedures in the religious and sharia courts, in local communities and in society at large. It 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 policymaking and court decisions, on programme implementation and on children themselves. The Committee further recommends that the State party continue to collaborate with civil society organizations, including Save the Children, to increase opportunities for children’s participation.**

#### **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

##### **Birth registration**

418. The Committee notes with concern that children born to Palestinian fathers, who do not themselves possess recognized identity documents, are not registered with the United Nations

Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and neither receive recognized identity documents from the State party nor have the ability to acquire a nationality, even if they have a Lebanese mother, as nationality can be transmitted solely through a child's father.

**419. In order to secure the full enjoyment of all human rights and fundamental freedoms by children in Lebanon, the Committee recommends that the State party ensure that all children within its territory, including the children of Palestinian refugees without identity documents, are registered immediately after birth. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.**

#### **Right to a nationality**

420. The Committee reiterates its concern that citizenship is transmitted solely through a child's father, which can result in statelessness, for example, among children born to Lebanese mothers and refugee fathers.

**421. The Committee urges the State party to critically review its legislation, particularly the Legislative Decision No. 15/1925, in order to ensure that also a Lebanese mother has the right to confer Lebanese citizenship to her children equally and without discrimination.**

#### **Corporal punishment**

422. Despite the 2001 Memorandum of the Minister of Education, which prohibits educational staff from "inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students", corporal punishment is still used in schools and other institutions. The Committee notes that corporal punishment is unlawful as a sentence for crime and prohibited as a disciplinary measure in penal institutions. However, it notes with concern that, according to article 186 of the Penal Code, corporal punishment is lawful in the home.

**423. The Committee urges the State party, while taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment:**

**(a) To critically review its current legislation, in particular article 186 of the Penal Code, with a view to preventing and ending the use of corporal punishment of children as a method of discipline and to introducing new legislation prohibiting all forms of corporal punishment of children in the family and within all institutions, including public and private schools and the alternative care system; and**

**(b) To introduce public education, awareness-raising and social mobilization campaigns on alternative non-violent forms of discipline with the involvement of children in order to change public attitudes to corporal punishment, and to strengthen its cooperation with non-governmental organizations, such as Save the Children, in this respect.**

**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)**

**Children deprived of a family environment**

424. The Committee continues to be deeply concerned at the high number of children placed in institutions, and at the lack of the possibility of having the placement decision reviewed by a civil court. It notes with concern the lack of information and statistics at most institutions regarding the children in their care, these children's progress, and the nature of services provided. The Committee notes with concern that many professionals and volunteers working with children deprived of a family environment are not familiar with the existing laws and regulations protecting the child, including the attention that should be given to family reunification. As regards the role of non-governmental institutions providing alternative care services, the Committee refers to its concerns and recommendations raised earlier in paragraphs 21 and 22 on cooperation with civil society.

425. **In the light of articles 3, 20 and 25 of the Convention, and taking into account the Committee's recommendations adopted on its Day of General Discussion on children without parental care (CRC/C/153), the Committee urges the State party:**

**(a) To take immediate preventive measures to avoid separation of children from their family environment by providing appropriate assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling and community-based programmes for parents, and to reduce the number of children living in institutions by fully implementing the laws relating to family-type alternative care of children and by addressing the root causes behind separation, including socio-economic problems, faced by parents;**

**(b) To ensure that the need for the placement of each child in institutional care is always assessed by a competent, multidisciplinary group of professionals and that the initial decision of placement is done for the shortest period of time and subject to judicial review by a civil court, and that it is further reviewed in accordance with article 25 of the Convention;**

**(c) To ensure that both a short- and a long-term plan, including the goals of the placement and the measures to achieve these, is available at the time of the placement of the child and is regularly adapted to her/his development;**

**(d) To strengthen its efforts to develop a traditional foster-care system, including *kafalah*, by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and other family-based alternative care;**

**(e) To invest in systematic education and research in the field of the protection and alternative care of children, and to provide professionals working with and for children deprived of a family environment with regular rights-based training; and**

**(f) To establish an effective regulation and evaluation mechanism for alternative care, including informal forms of alternative care, and to develop, standardize and control the quality of alternative care and related programmes and services in consultation with children.**

### **Adoption**

426. The Committee is concerned at possible irregularities in the systems of adoption and *kafalah*. It notes with concern that the procedures for adoption in religious and civil courts are not in full conformity with article 21 of the Convention and that the principle of the best interests of the child is not always subject to the principal consideration during these procedures. It also notes with concern the prevalence of illegal adoptions both at national and intercountry level.

**427. The Committee recommends that the State party review the laws and practices relating to the system of adoption and *kafalah* in order to ensure that under domestic legislation the rights of the child are protected regardless of the child's origin, civil, social or religious status, and that it ensure that cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21. The Committee further recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and seek technical assistance, among others, from the Hague Conference on Private International Law and from UNICEF.**

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

428. The Committee acknowledges the efforts made by the State party to address abuse, neglect and maltreatment of children, for example, through awareness-raising activities and the establishment of a subcommission on abuse and neglect within the Higher Council of Childhood, but regrets that more specific follow-up has not been given to the concrete recommendations in the previous concluding observations (CRC/C/15/Add.169). Abuse, neglect and maltreatment of children remain serious problems in the State party. Due to the strong social and cultural taboos victims and witnesses rarely report these cases, despite the campaign "Let's stop sticking our heads in the sand", which encourages individuals to bring to light violations of children's rights. The Committee also notes with concern that the Penal Code criminalizes only the rape of girls, leaving boys without legal protection.

**429. In light of article 19 and other relevant provisions of the Convention, and referring to its previous recommendations (CRC/C/15/Add.169) adopted following the consideration of the State party's second periodic report, the Committee urges the State party:**

**(a) To take effective legislative measures to prohibit all forms of physical, sexual and mental violence against boys and girls in the family;**

**(b) To establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary, and to prosecute cases of abuse and ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**

(c) To ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance with recovery and reintegration;

(d) To continue to introduce awareness-raising campaigns, with the active involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual abuse, with a view to changing public attitudes and prevailing cultural practices in this respect;

(e) To establish a toll-free, 3-digit helpline with 24-hour service for children and to facilitate the collaboration of this helpline with State alliances, such as the police, health, and social welfare systems, and child-focused non-governmental organizations in order to enhance its intervention and follow-up model; and

(f) To seek assistance from, among others, UNICEF and the World Health Organization (WHO).

430. In the context of the Secretary-General's study on the question of violence against children and the related questionnaire sent to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for the Middle East and North Africa, held in Egypt from 27 to 29 June 2005, and in the Regional Follow-up Consultation, held in Egypt from 25 to 28 March 2006. The Committee recommends that the State party use the outcome of these regional consultations as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain 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**

431. The Committee expresses its concern at many constraints that prevent the full implementation of the Law No. 220 of 2000 on the rights of persons with disabilities. Despite the efforts of the National Committee for Disabled Affairs and the intergovernmental disability committee under the Ministry of Social Affairs, the Committee notes with concern that children with disabilities are not provided with equal opportunities for full participation in all spheres of life, e.g. they have limited access to the physical environment, including public buildings, and transportation, information and communication, and inclusion of these children in the mainstream school system is still occasional. The Committee also notes with concern that children with disabilities are primarily placed in residential care institutions. Finally, it notes with concern that Palestinian refugee children with disabilities have inadequate access to community rehabilitation services and, in particular, that Palestinian refugee girls with disabilities face multiple discrimination.

432. **The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (see 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):**

**(a) Prevent and prohibit all forms of discrimination against children with disabilities and ensure equal opportunities for their full participation in all spheres of life by implementing the Law No. 220 of 2000 on the rights of persons with disabilities, and by including disability aspects in all relevant policymaking and national planning;**

**(b) Collect adequate statistical data on children with disabilities and use such disaggregated data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children with disabilities belonging to the most vulnerable groups, such as children with disabilities living in remote areas of the country and Palestinian refugee children with disabilities, particularly girls;**

**(c) Provide children with disabilities with access to adequate social and health services and the physical environment, information and communication;**

**(d) Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;**

**(e) Develop programmes, including community-based programmes, in order to promote alternatives to institutionalization and allow children with disabilities to stay at home with their families;**

**(f) Strengthen the functioning and activities of the National Committee for Disabled Affairs and cooperation with non-governmental organizations working in the field of disability issues;**

**(g) Seek technical cooperation with, among others, UNICEF and WHO.**

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

433. The Committee commends the State party's developed health-care system and notes with appreciation the declining rates of infant and under-five mortality. However, it notes with concern that:

**(a) Disadvantaged families appear to lack equal access to quality health services;**

**(b) Regional disparities exist in the provision of health services and the national immunization programme;**

- (c) Despite improvements, the rate of exclusive breastfeeding is still relatively low; and
- (d) Accidents constitute the main cause of child mortality (1-5 years) and adolescents.

434. **The Committee recommends that the State party strengthen its efforts to reform the health sector and, particularly, to build the capacity of public health sector. It recommends that appropriate resources be allocated for the public health sector and that the State party continue to develop and implement comprehensive policies and programmes for improving the health situation of children, so as to fully implement the Convention, in particular articles 4, 6 and 24. It also recommends that the State party facilitate equal access to quality primary health services for mothers and children in all areas of the country in order to end the disparities in health-care provision between the different areas.**

435. **The Committee further recommends that the State party:**

- (a) **Guarantee access to quality prenatal and post-natal health services and facilities, including training programmes for midwives and traditional birth attendants, by paying particular attention to the rural areas of the country;**

- (b) **Continue to take all necessary measures to lower infant, under-five and maternal mortality rates;**

- (c) **Strengthen existing efforts to immunize as many children and mothers as possible by effectively implementing national immunization programmes;**

- (d) **Encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter, and take measures to improve the nutritional status of children through education and the promotion of healthy feeding practices;**

- (e) **Conduct a study on the scope and causes of accidental deaths, and strengthen its efforts to reduce accident-related deaths through, inter alia, awareness-raising campaigns and education programmes aimed at parents, children and the public at large; and**

- (f) **Continue to cooperate and seek technical assistance with, inter alia, UNICEF and WHO.**

436. While noting with appreciation the maternal and child health-care services provided by UNRWA, the Committee is concerned about congenital malformation, acute respiratory infections and diarrhoea, which are also leading causes of child death during the second and third years of life among Palestinian refugee children. It notes with concern that due to the poor living conditions in camps children suffer from acute health problems.

437. **As regards Palestinian refugee children and their health status, the Committee recommends that the State party address their special needs, such as acute health problems caused by poor living conditions, by supporting UNRWA and non-governmental organizations in their efforts to provide more targeted health services.**

#### **Adolescent health**

438. While noting with appreciation the education project for youth on sexual education and protection from sexually transmitted infections launched in 2003, the Committee regrets that due to the lack of a national policy or action plan on school health services, such programmes are restricted to medical consultations and that medical exams and dental and oral health services cover only a limited number of pupils. Concern is also expressed about smoking, which is an increasing trend among adolescents. In addition, the Committee expresses its concern at the increasing suicide rate among adolescents.

439. **The Committee recommends, 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, that the State party adopt and implement a national policy or action plan on school health services, thus extending the scope of current school health services, as well as reproductive health services provided by health centres, to cover counselling and preventive health education. It also recommends that the State party provide all pupils with regular medical exams as well as dental and oral health services. The Committee recommends that the State party considerably increase its anti-smoking efforts. It further recommends that the State party study the possible causes of youth suicide and the characteristics of those who appear to be most at risk, and put in place support and intervention programmes, particularly in the field of mental health.**

#### **HIV/AIDS**

440. The Committee notes the relatively low HIV infection rate in the country and is encouraged by the State party's efforts to prevent and combat HIV/AIDS by implementing the National HIV/AIDS Program (NAP), including youth activities around this programme. Notwithstanding these positive steps taken, the Committee is concerned that the awareness of HIV/AIDS, including the modes of HIV transmission, has not led to increased precautionary measures, such as the use of condoms, among adolescents.

441. **The Committee recommends, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), that the State party:**

(a) **Strengthen its efforts to prevent the spread of HIV/AIDS, inter alia, by implementing the National HIV/AIDS Program (NAP), and continue to pay particular attention to safe sex education and awareness-raising activities among adolescents;**

(b) **Take effective measures to prevent discrimination against children infected with and affected by HIV/AIDS by prohibiting any form of discriminatory act;**

**(c) Ensure adolescents' access to adequate social and health services, including youth-sensitive and confidential counselling on HIV/AIDS, and provide them with accurate and comprehensive information about HIV/AIDS; and**

**(d) Seek technical assistance, among others, with the United Nations Joint Programme on HIV/AIDS (UNAIDS).**

### **Standard of living**

442. While taking note of the State party's efforts to reduce poverty, for instance, through two social projects initiated in 2002 aiming at community development and poverty alleviation, and the five-year development plan 2000-2004, the Committee regrets the limited data available on poverty reduction. The Committee notes with concern continued regional disparities in poverty levels and services provided within the poorest areas, as well as a widening poverty gap between social groups.

443. **In light of article 27 of the Convention, the Committee recommends that the State party:**

**(a) Continue to take measures to raise the standard of living among its population, particularly rural populations living in poverty and those living in urban "poverty pockets", for example, through formulating and implementing a comprehensive and time-bound national development strategy and social programmes aiming at reducing poverty and strengthening community development;**

**(b) Consider preparing a poverty reduction strategy with special emphasis on vulnerable children and their families, and strengthen community mobilization, including the participation of children, for poverty reduction at the local level; and**

**(c) Strengthen its efforts to provide support and material assistance to disadvantaged children and their families.**

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

### **Education, including vocational training and guidance**

444. The Committee welcomes the National Plan on School for All (2005-2015) and is encouraged by the improved enrolment in pre-primary education, but it notes with concern that no central authority is in charge of the preschool education. The Committee takes note of the State party's intention to raise the age at which compulsory education ends, from current 12 years to 15 years. As regards primary education, the Committee notes with concern that parents are still charged for some costs of education despite the legal guarantee of free education, and that repetition and dropout rates have increased. It also notes with concern the decrease in the enrolment in secondary education and the backward quality of technical and vocational education and training.

445. **The Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:**

(a) **Provide access to early childhood education for every child and raise awareness and motivation of parents with respect to preschools and early-learning opportunities, by taking into account the Committee's general comment No. 7 (2005) on implementing child rights in early childhood and establishing a national mechanism to promote, develop and coordinate early childhood education;**

(b) **Expedite its plans to erase the gap between the school-leaving age and the minimum age for employment by adopting the bill to raise the age of compulsory education to 15 years and the bill amending the Labour Code to bring it into line with ILO Conventions Nos. 138 and 182;**

(c) **Ensure that primary education is free for all children and attended by all children, and adopt effective measures to decrease the repetition and dropout rates in primary education;**

(d) **Continue to take measures to increase enrolment rates in secondary education as well as technical and vocational education and training, including for girls, children living in rural areas, and children with disabilities; and**

(e) **Seek cooperation, among others, with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to improve the education sector further.**

446. As regards Palestinian refugee children, the Committee notes that UNRWA is the main provider of basic education and that in general, the enrolment rate of primary education is satisfactory. However, it is concerned about the low enrolment in secondary education, particularly with regard to girls. It notes with concern the high rate of illiteracy among Palestinian refugee children with disabilities, despite the fact that many of these children could benefit from school mainstreaming.

447. **The Committee recommends that the State party adopt and implement adequate governmental programmes and projects to respond to the educational needs of Palestinian refugee children in addition to UNRWA's efforts in this regard, and that it continue to cooperate closely with UNRWA.**

#### **Aims of education**

448. The Committee notes with appreciation the State party's efforts to revise the school curriculum, for example by introducing new school subjects such as information technology and physical education, and by incorporating the rights of the child in the curriculum. However, it is concerned about the inadequate training of the majority of teachers. The Committee expresses its concern at the differences in the quality of education between private and public institutions. It also notes with concern regional disparities in the number of teachers, the poor condition of school buildings, and the insufficient quality and availability of learning materials and equipment, particularly in rural areas.

449. **In light of article 29 of the Convention, and taking into account the Committee's general comment No. 1 (2001) on the aims of education, the Committee recommends that paying particular attention to rural areas, the State party:**

(a) **Further strengthen efforts to improve the quality of education both in public and private schools by providing appropriate pre- and in-service training to teachers;**

(b) **Address the issue of regional disparities in the number of teachers by ensuring a decent living wage for teachers and promoting the teaching profession, for example, through the media;**

(c) **Use human rights, and particularly child rights, education to promote equality and tolerance in schools; and**

(d) **Repair and upgrade conditions and equipment of schools.**

#### **8. Special protection measures**

**(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

#### **Children affected by armed conflict**

450. The Committee reiterates its concern at the persisting negative impact of the past armed conflict on children, including the vulnerability to socio-economic deprivation and slow return of displaced families, and that the problem of landmines still exists.

451. **In light of articles 38 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure that children affected by armed conflict have access to adequate health and social services, including psychosocial recovery and social reintegration. It also recommends that the State party continue its demining activities and seek the necessary technical and financial support within a framework of international cooperation, including from United Nations agencies.**

#### **Refugee children**

452. While welcoming the improved collaboration between the State party and the Office of the United Nations High Commissioner for Refugees (UNHCR), the Committee is concerned at the gaps in the legal protection of refugees in the State party. It also welcomes the information that the State party undertakes activities to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Committee notes with concern that since the State party does not extend asylum, many children and their families seeking asylum are subject to domestic laws for illegal entry and stay, and thereby are at risk of detention, fines and deportation. In this context, the Committee also refers to the concerns and recommendations expressed under the right to a nationality.

453. **In light of articles 3 and 22 and other relevant provisions of the Convention, the Committee urges the State party, while taking into account the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin:**

**(a) To develop a legislative framework for the protection of asylum-seeking and refugee children, particularly unaccompanied children, and to seek technical assistance from UNHCR in this respect;**

**(b) To accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and thus create an environment conducive to refugee protection in the country;**

**(c) To ensure that detention of refugee/asylum-seeking children takes place only when necessary, is in their best interests and is for the shortest time possible, and that deportation is in full compliance with international standards and that the best interests of the child is a primary consideration in that regard; and**

**(d) To continue and strengthen its collaboration with UNHCR.**

### **Palestinian refugee children**

454. The Committee welcomes the efforts of the State party to address the issue of Palestinian refugee children living in Lebanon, for example by establishing a dialogue with UNRWA with the aim of improving respect and protection of Palestinian refugee children's rights. The Committee also notes with appreciation that the State party has conducted field visits to familiarize itself with the actual situation and the needs of the Palestinians. Despite these positive developments, the Committee continues to be deeply concerned about the harsh social and economic living conditions of Palestinian refugee children in refugee camps, their limited access to public services, including social and health services and education, and their exposure to violence at home, in schools and in the wider community.

**455. The Committee reiterates its previous recommendations in this regard adopted in 1996 (CRC/C/15/Add.54) and 2002 (CRC/C/15/Add.169) and urges the State party to ensure the full realization of all human rights and fundamental freedoms of Palestinian refugee children living in Lebanon, for example, by including them in development programmes, by paying special attention to the improvement of housing conditions in refugee camps, by ensuring their equal access to all public services and by protecting them from all forms of violence. The Committee recommends that the State party both continue and strengthen its support for UNRWA, and that it seek, where appropriate, international assistance in this regard.**

### **Children of migrant workers**

456. The Committee is concerned at the situation and vulnerability of children of migrant domestic workers in Lebanon.

**457. The Committee recommends that the State party develop and implement policies and practices that will better protect and serve children of migrant workers. It also recommends that the State party ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

## **Street children**

458. The Committee acknowledges the State party's efforts to address the issue of street children, for example: the cooperation programme between the Higher Council for Children and the Arab Council for Childhood and Development to raise social awareness of the issue of street children; the joint project of the Ministry of Interior and municipalities to prevent children working on the streets; and training provided to Internal Security Forces, Civil Defense and Municipality police for intervening with street children. While noting the State party's intention to conduct a comprehensive study on working street children, the Committee regrets the lack of reliable statistics. The Committee notes with concern that the children are often exploited as beggars and that children begging on the streets are criminalized. It further notes that these children often lack documentation, which excludes them from health, education and social services.

**459. The Committee recommends that the State party continue its efforts to address the issue of street children, with the aim of protecting these children and reducing their number:**

**(a) By adopting a comprehensive national strategy to address the situation of street children and provide these children with official documents and, adequate assistance, including recovery and social reintegration services for physical, sexual and substance abuse, as well as vocational and life-skills training, in order to support their full development;**

**(b) By refraining, as a matter of policy, from detaining children begging in the streets and seeking alternative forms for their detention, that are fully compatible with the provisions of the Convention;**

**(c) By undertaking an action-oriented study to identify the root causes and magnitude, as well as the personal characteristics, of street children in order to prevent this phenomenon, and providing them with opportunities for reunification with their family when this is in the best interests of the child; and**

**(d) By collaborating with non-governmental organizations working with street children in the State party and with children themselves, and seeking technical assistance from relevant United Nations and other international organizations.**

## **Economic exploitation**

460. The Committee welcomes the State party's and the International Labour Organization/International Programme on the Elimination of Child Labour's (ILO/IPEC) Time-Bound Programme for the eradication of the worst forms of child labour as well as the other legislative and policy measures taken to address the economic exploitation of children. The Committee notes with concern that poverty is a major cause of child labour and that the remote areas of the country have the highest rate of working children. It also notes with concern that many children work in hazardous work conditions in the informal sector, including agriculture, metalwork and crafts, fishing, rock-cutting and tobacco cultivation.

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

(a) **Effectively implement its domestic labour laws and the ILO/IPEC Time-Bound Programme for the eradication of the worst forms of child labour by paying particular attention to the poor and remote areas of the country;**

(b) **Improve the labour inspection system in order to safeguard that the work performed by children is light work and not exploitative, and, in particular, that it empower the system to monitor and report on the practice of domestic and rural labour by children;**

(c) **Provide former child workers with appropriate recovery and educational opportunities; and**

(d) **Continue to seek technical assistance from ILO/IPEC.**

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

462. While acknowledging the establishment of a subcommission on sexual exploitation, the Committee is deeply concerned about sexual exploitation of children in the State party, in particular the increase in the number of children trafficked to the State party for purposes of prostitution. The Committee regrets the inadequate legal framework for the prevention and criminalization of sexual exploitation and trafficking of children, and that victims are criminalized and sentenced to detention. In addition, concern is expressed about existing risk factors contributing to trafficking activities, such as poverty, early marriages and sexual abuse.

463. **The Committee urges the State party:**

(a) **To review its domestic legislation, particularly the provisions of the Penal Code, so as to criminalize all forms of trafficking as defined in the Protocol to Prevent, Suppress, and Punish Trafficking Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(b) **To develop and adopt a comprehensive national strategy or plan of action on measures against trafficking, and to establish a national multisectoral task force to implement and monitor it;**

(c) **To conduct a comprehensive study to assess the causes, nature and extent of the commercial sexual exploitation and trafficking of children;**

(d) **To ensure that victims of sexual exploitation and trafficking are not criminalized and that they are provided with adequate recovery and social reintegration services and programmes 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;**

(e) **To seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale and trafficking of children;**

(f) **To launch awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and to sensitize officials working with and for victims of trafficking; and**

(g) **To seek cooperation, among others, with the International Organization for Migration (IOM) and non-governmental organizations.**

464. **The Committee endorses the recommendations made by the Special Rapporteur on trafficking in persons, especially women and children, following her visit to the State party (E/CN.4/2006/62/Add.3), and recommends that the State party implement them fully.**

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

465. The Committee welcomes the juvenile justice reform in Lebanon and the State party's close collaboration with the United Nations Office on Drugs and Crime (UNODC) in this respect. It notes with appreciation that the State party has, for example, established a new residential institution, at Dahr el-Bashek in 2004, for girls in conflict with the law, and a special police unit, the Minors Brigade, responsible for questioning delinquent minors and taking statements from young victims. While acknowledging the State party's efforts to protect the rights and the best interests of juveniles deprived of their liberty by implementing the Law No. 422 on the protection of juveniles in conflict with the law or at risk (2002), the Committee notes with concern that some articles of this law are not in full conformity with the provisions of the Convention. In particular, it notes with concern that:

(a) The minimum age of criminal responsibility, which is set at 7 years, is still much too low;

(b) Juveniles can still undergo same penal trial procedures as adults;

(c) A well-organized and well-trained juvenile probation service needed for an efficient development and implementation of alternative measures, such as community service orders, restorative measures and family conferencing, is lacking;

(d) Prison facilities and detention conditions are overcrowded and fall short of the international standards; and

(e) Disaggregated statistical and other information on the implementation in practice of the Law No. 422 (2002), on the protection of juveniles in conflict with the law, is very limited.

466. **The Committee recommends that the State party continue and strengthen its efforts 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), and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, taking into account the recommendations adopted by the Committee on its Day of General Discussion on juvenile justice (CRC/C/46, paras. 203-238). It recommends that the State party:**

- (a) **Raise, as a matter of priority, the minimum age of criminal responsibility to 12 years, as intended in the campaign of the Higher Council for Childhood;**
- (b) **Continue to develop and implement a comprehensive system of alternative measures, such as community service orders and interventions of restorative justice, in order to ensure that deprivation of liberty is used only as a measure of last resort;**
- (c) **Take the necessary measures, for example suspended sentencing and early release, to ensure that deprivation of liberty is limited to the shortest time possible;**
- (d) **Take effective measures to improve the condition of detention and prison facilities for children in conflict with the law;**
- (e) **Continue to strengthen the quality and availability of specialized juvenile courts and judges, police officers, and prosecutors, inter alia through systematic training of professionals, and consider the establishment of a specialized probation service for children in conflict with the law;**
- (f) **Ensure that persons under 18 years of age have access to legal aid and independent and effective complaints mechanisms; and**
- (g) **Continue to seek technical assistance from the United Nations Interagency Panel on Juvenile Justice.**

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

467. **The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

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

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

468. **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 and the National Assembly, and, when applicable, to governorates, for appropriate consideration and further action.**

##### **Dissemination**

469. **The Committee further recommends that the third 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 its monitoring.**

## 11. Next report

470. **The Committee invites the State party to submit a consolidated fourth and fifth report by 12 December 2011 (that is, 18 months before the due date of the fifth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: Mexico

471. The Committee considered the third periodic report of Mexico (CRC/C/125/Add.7) at its 1140th and 1141st meetings (see CRC/C/SR.1140 and 1141), held on 23 May 2006, and adopted, at its 1157th meeting (see CRC/C/SR.1157), held on 2 June 2006, the following concluding observations.

#### A. Introduction

472. The Committee welcomes the submission of the State party's third periodic report, which follows the guidelines for reporting, and the written replies to its list of issues (CRC/C/MEX/Q/3). The Committee also notes with appreciation the frank and open dialogue with the delegation of the State party, which allowed for a better understanding of the complex situation of children in Mexico.

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

473. The Committee welcomes a number of positive developments in the reporting period, including:

- (a) The amendments of articles 4 and 18 of the Constitution of Mexico respectively in 2000 and 2006, strengthening the protection of children's rights;
- (b) The promulgation of the Act on the Protection of the Rights of Children in 2000;
- (c) The revision of the Federal Penal Code, the Federal Code of Penal Procedure, the Federal Act against Organized Crime, the Federal Code to Prevent and Eliminate Discrimination and the Act establishing Minimum Rules for the Social Rehabilitation of Convicted Persons in 2003;
- (d) The introduction of domestic violence as an offence in 15 state penal codes;
- (e) The adoption of the Programme of Action 2002-2010: *A Mexico fit for children*, in consultation with civil society organizations, academics and experts;
- (f) The 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, both on 15 March 2002;

(g) The ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 4 March 2003;

(h) The ratification of the ILO Convention No. 182 (1999) on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000.

### **C. Principal subjects of concern, suggestions and recommendations**

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

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

474. While noting that the first part of the State party report provides specific reference to the previous concluding observations, the Committee regrets that some recommendations it made (see CRC/C/15/Add.112) on the State party's second periodic report (CRC/C/65/Add.6 and CRC/C/65/Add.16) have not been sufficiently addressed, including those regarding social inequality and vulnerable groups, non-discrimination, indigenous children, economic and sexual exploitation of children, and the trafficking of migrant children.

**475. The Committee urges the State party to make every effort to address the previous recommendations, which have been implemented only partly or not at all, and the recommendations contained in the present concluding observations.**

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

476. While welcoming the measures taken to bring national legislation into conformity with the Convention and with other international standards, the Committee is concerned at the lack of effectiveness of the measures taken to implement the rights contained in the Convention and to allow rights holders to claim them. It is also concerned that not all national legislation is in full conformity with the Convention, including the substantive and procedural civil codes that do not give children the opportunity to be heard by judicial authorities. It is also concerned at the complexity of implementation due to the federal structure of the State party, which may result in new legislation not being fully implemented in practice at the state level. In particular, a number of laws, such as the Act on the Protection of the Rights of Children of 2000, have yet to be fully integrated into state laws.

**477. The Committee urges that the State party take all necessary measures to ensure that all federal and state legislation is harmonized with the Convention and relevant international standards thus ensuring their effective implementation. The Committee also urges that the State party ensure that all state laws be adjusted to the federal laws, in particular the Act on the Protection of the Rights of Children of 2000, and that all states implement as a matter of priority the necessary administrative and institutional reforms.**

## **Coordination**

478. The Committee welcomes the creation of the National Council for Children and Adolescents to coordinate the implementation of national goals in favour of children. However, the Committee regrets the modest role played by the Council in the design of public policies on children's rights, the lack of resources and legislation giving the Council a formal mandate, the lack of participation of civil society representatives in the Council's work and the absence of coordination mechanisms between the federal and state governments.

**479. The Committee recommends that the State party take all necessary measures to ensure that the National Council for Children and Adolescents plays a more vigorous role in the design of public policies in order to fulfil the requirement of the Convention on the Rights of the Child in a holistic way, including by giving it a formal role through appropriate legislation and budget, and that civil society is represented in the membership of the Council.**

## **Independent monitoring structures**

480. While appreciating the work done by the National Human Rights Commission (CNDH) in the area of children's rights, the Committee regrets that its previous recommendation (see CRC/C/15/Add.112, para. 11) regarding the mandate and independence of the National Human Rights Commission, as well as the allocation of resources for 32 state procurators for the defence of the rights of the child and the family, has not been fully implemented. Furthermore, the Committee notes that the scope of action of the Follow-up and Monitoring Commissions for the Implementation of the Convention is limited, under-funded, little-known, and that they do not have the authority to work effectively. It also regrets that such Committees have not been established in all states.

**481. The Committee recommends that the State party consider amending the federal and state protection laws so as to strengthen and improve mechanisms for accountability, including by allowing the National Human Rights Commission to receive complaints from children. It also recommends that State Committees of the National System for Monitoring and Supervising the Implementation of the Convention on the Rights of the Child be established in all states of the Republic. The Committee refers the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The State party is encouraged to seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the Inter-American Children's Institute in this regard.**

## **National plan of action**

482. The Committee notes the 2002-2010 Programme of Action: "*A Mexico fit for children*" as a follow-up to the agreements reached at the 2002 United Nations General Assembly Special Session on Children. **The Committee recommends that the State party submit information on the budget allocated for the Programme of Action, as well as its implementation and on**

**the results achieved, in its next periodic report. The Committee also recommends that the State party promote the adoption of a holistic National Programme for the Protection of the Rights of the Child, as established under article 7 of the Law of Protection of the Rights of Children and Adolescents.**

#### **Data collection**

483. While noting some improvements in the system of data collection, the Committee remains concerned that the data available does not allow for a comprehensive and systematic analysis of the situation of child rights in the State party. Existing data are not systematically disaggregated at the state and municipal level, making it difficult to visualize and address regional disparities. In addition, the Committee is concerned about the lack of up-to-date and disaggregated data on the number and geographic location of children out of school, working children between ages 6 and 14, cases of violence and abuse of children, commercially and sexually exploited children, trafficked children, children deprived of liberty, migrant and indigenous children, and children who were not registered at birth.

**484. The Committee recommends that the State party continue to strengthen its efforts to develop a system for the comprehensive collection of data covering all children below the age of 18 years and disaggregated by sex and by groups of children who are in need of special protection. The Committee recommends that the State party develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and to assess the impact of policies that affect children. The State party is encouraged to seek technical assistance from UNICEF, the United Nations Statistics Division and the Inter-American Children's Institute in this respect.**

#### **Resources for children**

485. The Committee notes with concern that, despite some increase in social expenditure over the last decades, budget allocations for children are low and remain insufficient, in particular for those social expenditures concerned with health and education.

**486. The Committee recommends that the State party strengthen its efforts to significantly increase the proportion, in nominal and real terms, of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources", giving special attention to children belonging to economically disadvantaged groups.**

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

487. The Committee notes the preparation of inter-institutional public policies to promote children's rights and the activities led by the National Human Rights Commission to initiate public dialogue, in particular the trainings of judicial staff held in 1998 and 2003, the Programme for the Promotion of Children's Rights "*DIFusores Infantiles*" of the National System for the Full Development of the Family (DIF), and the Promoter Children's Programme. However, the Committee remains concerned about the low awareness of the Convention among professionals working with and for children as well as among the general public, especially among children themselves, and regrets that the Convention is not available in indigenous languages.

488. **The Committee encourages the State party to:**

(a) **Take effective measures to disseminate information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, and to seek active participation of the media in that regard;**

(b) **Develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel) and, especially, children themselves;**

(c) **Provide information as much as possible in indigenous languages and taking into account the cultural context on the Convention and make it widely available in indigenous communities.**

### **Cooperation with civil society**

489. The Committee regrets the lack of systematic consultations with non-governmental organizations (NGOs) in the process of drafting and planning of policies and programmes on the rights of the child, and in the implementation of these programmes and of the Convention.

490. **The Committee recommends that the State party ensure that the process is systematically more participatory, and that relevant NGOs be actively involved in the drafting, planning and implementation of policies, legislation and programmes.**

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

491. The Committee is concerned at the low legal minimum age for marriage and that different minimum legal ages for marriage are set for girls (14) and boys (16).

492. **The Committee encourages the State party to increase the minimum age of marriage for girls and for boys and that it set this minimum age at an equal and internationally acceptable level. The State party is also advised to undertake awareness-raising campaigns and other measures to prevent early marriages. In this regard, the Committee also refers to the recommendation of the Committee on Economic, Social and Cultural Rights (see E/C.12/CO/MEX/4, para. 40).**

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

### **Non-discrimination**

493. The Committee is deeply concerned about the significant disparities in the State party in the implementation of the rights enshrined in the Convention, reflected in a range of social indicators such as enrolment in and completion of education, infant mortality rates and access to health care, indicating persistent discrimination against indigenous children, girls, children with disabilities, children living in rural and remote areas and children from economically disadvantaged families.

494. **In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts including through awareness-raising campaigns to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities, girls, children living in rural and remote areas and children from economically disadvantaged families.**

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

495. The Committee is concerned that the principle of the best interests of the child is not given adequate attention in national legislation and policies and that awareness of its significance is low among the population.

496. **The Committee recommends that the State party take measures to raise awareness of the meaning and practical application of the principle of the best interests of the child, and to ensure that article 3 of the Convention is duly reflected in its legislation, judicial proceedings and administrative measures, such as the allocation of public resources.**

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

497. The Committee welcomes the efforts of the State party to promote and implement the right of children to express their views and actively participate at various levels of society. In particular it notes with interest the 2003 and 2004 sessions of the Children's Parliament and the holding of the Children's and Young People's Survey 2003. However, it remains concerned at the persistence of traditional attitudes in the State party which, among other things, limit children's right to participate and to express their views. It notes with concern the limited possibilities available to children to participate in and express their views in decision-making procedures affecting them, particularly in courts, schools and communities.

498. **In light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to promote, within the family, schools, and other institutions, respect for the views of children, especially girls, and to facilitate their participation in all matters affecting them;**

(b) **Amend the procedural civil codes to ensure that children are heard in judicial proceedings affecting them;**

(c) **Strengthen national awareness-raising campaigns to change traditional attitudes that limit children's right to participation;**

(d) **Regularly review the extent to which children participate in the development and evaluation of laws and policies affecting them, both at national and local levels, and evaluate the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.**

## **Right to life, survival and development**

499. The Committee notes with concern the lack of information in the State party report on the situation of children internally displaced because of the conflict that ended in 1994, and on the current situation of insecurity in some areas of the country, which could have an impact on the children's right to life, to access to health care and to education.

500. **The Committee recommends that the State party take all necessary measures to protect the rights of all internally displaced children and of children living in insecure areas, in particular the right to life, to health and to education.**

## **4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

### **Birth registration**

501. While noting the efforts made by the State party to ensure that all births are registered and that all children are issued birth certificates, including by the establishment of mobile units, the Committee is concerned that a large number of children in the State party, in particular indigenous children and children living in remote areas, do have birth certificates.

502. **The Committee recommends that the State party strengthen its efforts to ensure that all children are registered free of charge, giving special attention to those children who were not registered at birth, to indigenous children and to children who live in remote areas, using innovative and accessible methods. The Committee also recommends that the State party undertake targeted and innovative efforts to raise awareness of the importance of birth registration for children for the full enjoyment of their rights.**

### **Torture and other cruel, inhuman or degrading treatment or punishment**

503. The Committee is gravely concerned at the reports of cases of torture and cruel and degrading treatment, in particular against street children, migrant children, youth groups and groups of marginalized children, and child victims of sexual and economic exploitation. The Committee is further concerned that most cases are not reported or prosecuted due to the lack of appropriate instances and procedures to register and process complaints of torture and cruel and degrading treatment against children.

504. **The Committee reiterates its previous recommendation (CRC/C/15/Add.112, para. 23) and that of the Committee against Torture (A/52/44, paras. 166-170), and urges the State party to:**

(a) **Adopt measures to prevent and eliminate all kinds of institutional violence, including torture, cruel, inhuman and degrading treatments;**

(b) **Reinforce its judicial mechanisms to deal effectively with complaints of police brutality, ill-treatment and abuse of children;**

(c) **Duly investigate cases of violence and abuse against children in order to avoid the impunity of perpetrators;**

**(d) Ensure that child victims are provided with appropriate services for care, recovery and social reintegration;**

**(e) Continue its efforts in training professionals working with and for children, including law-enforcement officials, social care workers, judges and health personnel, in the identification, reporting and management of cases of torture and other inhuman and degrading treatment or punishment. The Committee refers the State party to the Economic and Social Council Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005).**

### **Corporal punishment**

505. The Committee is deeply concerned about the fact that corporal punishment is still lawful in the home, and is not explicitly prohibited in the schools, in penal institutions and in alternative care settings. It is further concerned that children have limited protection from violence and abuse under the law, and consequently that corporal punishment is widely used within the family, and in schools and other institutions.

**506. The Committee recommends that the State party, taking into account its general comment No. 8 (2006) on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment:**

**(a) Amend all relevant federal and state laws to ensure that corporal punishment is explicitly prohibited in all settings, including the family, schools, penal institutions, and alternative care settings, and ensure the effective implementation of these laws;**

**(b) Take effective measures, including through public awareness campaigns, to promote alternative, positive, participatory and non-violent forms of discipline.**

### **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)**

#### **Children deprived of their family environment**

507. The Committee notes with interest the Programme for Strengthening the Family aimed at raising awareness of parents about child rights and at strengthening families. The Committee takes note of the activities of the National System for the Full Development of the Family (DIF), aiming at supplementing the care received by children from vulnerable groups, in particular the "Children's Matters" programme and the Child Development Assistance Centres. The Committee is concerned about lack of information (number, conditions of living, etc.) on children separated from their parents who are living in institutions. The Committee notes the large number of children in institutions managed by the private sector, and regrets the lack of information and oversight by the state on these institutions.

508. **The Committee recommends that the State party strengthen existing measures to prevent separation of children from their families, and take effective measures to assess the number and situation of children living in institutions, including in those institutions managed by the private sector. In particular, the Committee recommends that the State party establish regulations based on the rights of the child and adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, by introducing effective legislation, reinforcing existing structures such as the extended family, improving training of staff and allocating increased resources to relevant bodies. The State party is encouraged to seek technical assistance in this regard from, among others, UNICEF and the Inter-American Children's Institute.**

#### **Children with an imprisoned parent**

509. The Committee reiterates its concern about the situation of children living in prisons with one of their parents, and about the living conditions of these children and the regulation of their care if they are separated from their parent in prison.

510. **The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their parent in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison), in instances where this is considered to be in the best interests of the child, and ensure that the living conditions, including health care, in prisons are adequate for the child's development, as required by article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison, and that such care is regularly supervised and allows these children to maintain personal relations and direct contact with the parent remaining in prison.**

#### **Adoption**

511. The Committee is concerned about:

- (a) The lack of a central control mechanism registering adoptions;
- (b) The limited understanding and acceptance in the State party that the best interests of the child should be paramount in all adoption proceedings;
- (c) The fact that adoptions by rich families are reportedly prioritized, without giving due consideration to the best interests of the child and her or his cultural origins;
- (d) The lack of mechanisms to monitor intercountry adoptions and to protect children internationally adopted.

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

- (a) **Ensure that its legislation and practice on national and intercountry adoptions is brought into line with the Convention and with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993, which the State party ratified in 1994;**

**(b) Establish and strengthen effective mechanisms to review, monitor and follow-up adoption of children;**

**(c) Systematize the hearing of the views of the child concerning her or his placement, and ensure that the best interests of the child is paramount in all adoption proceedings;**

**(d) Ensure that the competent authority deciding on the adoptability of the child confirms that all efforts have been made for the child to maintain links with her or his [extended] family and community, and that adoption is used as a last resort.**

#### **Abuse and neglect, ill-treatment and violence**

513. While noting the DIF's Programme of Care for Family Violence, the Committee regrets the lack of data and of a clear national policy to combat these phenomena. As the Committee on Economic, Social and Cultural Rights (see E/C.12/CO/MEX/4, para. 19), the Committee remains concerned at the high number of reported cases of domestic violence and child abuse and at the lack of measures taken to address these serious practices. The Committee is also concerned about the lack of preventive measures and of psychological and social support measures for victims.

514. **The Committee recommends that the State party strengthen its current efforts to address the problem of domestic violence and child abuse, including through:**

**(a) Ensuring that preventive measures are developed and implemented, including awareness-raising campaigns;**

**(b) Ensuring that all victims of violence have access to counselling and assistance with recovery and social reintegration, and are provided, when appropriate, with compensation;**

**(c) Ensuring that perpetrators are brought to justice and rehabilitated;**

**(d) Providing adequate protection to child victims of abuse in their homes.**

515. 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.

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

**Children with disabilities**

516. While noting the existence of the *Programa de Atención a Personas con Discapacidades* and the creation of the Office of Representation for the Promotion and Social Integration for People with Disabilities, the Committee regrets the lack of official data on the number of children with disabilities in the State party and that children with disabilities continue to face various forms of discrimination. The Committee also notes with concern the large number of children with disabilities who do not receive any form of school education, especially in rural areas, and the general lack of an integration policy for these children.

517. **The Committee recommends that the State party take all necessary measures:**

**(a) To gather data and information on the situation of children with disabilities in the State party and assess the impact of the action undertaken;**

**(b) To address all issues of discrimination, including societal discrimination and discrimination against children with disabilities in rural areas, taking into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex);**

**(c) To provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.**

**Basic health and welfare**

518. The Committee welcomes the emphasis on children's health of the National Development Plan for 2001-2006 and the National Health Programme for 2001-2006. The Committee also welcomes the decrease of malnutrition rates in urban areas, the decrease of the mortality rates for children under 1 year and for children under 5 years of age related to infection diseases, as well as the high vaccination coverage. The Committee remains concerned at the high rates of maternal mortality, the emergence of obesity and the low percentage of the GDP allocated to health. The Committee remains deeply concerned that post-natal health care is still inadequate and that mortality and malnutrition rates, as well as other health indicators, are significantly worse in rural and remote areas and for indigenous mothers and children.

519. **The Committee reiterates its previous recommendations (see document CRC/C/15/Add.112, paras. 26 and 27), in particular, its recommendation that the State party implement all necessary measures to reduce the persistence of regional disparities in access to health care, the high rates of malnutrition among children under 5 years of age and those of school age, especially in rural and remote areas and among children belonging to indigenous groups. It also recommends developing interventions programmes for the new challenges that emerge from the globalization and the urbanization process: child obesity as well as environmental health.**

## **Adolescent health**

520. While noting the decrease in the number of teenage pregnancies, the Committee remains concerned about the prevalence of suicides in indigenous communities, the high number of teenage pregnancies and sexually transmitted infections (STIs), and the lack of programmes to promote sexual and reproductive health, as well as mental health.

521. **The Committee recommends that the State party pay close attention to adolescent health, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party:**

(a) **Strengthen sexual and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of teenage pregnancies and STIs, and to provide teenage pregnant girls with the necessary assistance and access to health care and education;**

(b) **Strengthen programmes dedicated to mental health issues such as child and adolescent suicide;**

(c) **Seek technical cooperation from the World Health Organization and UNICEF.**

## **HIV/AIDS**

522. The Committee welcomes the 2001-2006 Programme of Action for the Prevention and Control of HIV/AIDS and STIs, the decrease in the prevalence rate, particularly in the neonatal infections; and the commitment to free access to anti-retroviral medication. However, the Committee remains concerned at the lack of data on children infected by HIV/AIDS and on orphans because of HIV/AIDS disaggregated by age; at the relatively high prevalence rate of infection among adolescents; and at the lack of strategies to attend HIV/AIDS orphans and other vulnerable children.

523. **The Committee recommends that the State party, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights:**

(a) **Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns;**

(b) **Prevent discrimination against children infected with and affected by HIV/AIDS;**

(c) **Ensure access to child-sensitive and confidential counselling, without the need for parental consent, when such counselling is required by a child;**

(d) **Continue and strengthen its efforts to prevent mother-to-child transmission of HIV/AIDS and other STIs;**

- (e) **Ensure the free access to anti-retroviral treatment;**
- (f) **Develop programmes to protect and assist HIV/AIDS orphans and other vulnerable children;**
- (g) **Seek international assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund (UNFPA) and UNICEF, to that effect.**

### **Standard of living**

524. The Committee welcomes the *Oportunidades* Programme, which aims at reducing poverty. The Committee, however, remains very concerned at the high number of children living in poverty and at the persistent and wide social disparities, despite the economic growth of the country. It further notes that the Mexican Social Security Institute (IMSS) offers social security to children of working parents. It also notes that children attending school are entitled to medical care for accidents occurring within the school. However, the Committee remains concerned at the large number of children who do not benefit from social security, such as children of unemployed or self-employed parents.

525. **The Committee recommends that the State party strengthen measures to significantly reduce poverty and social disparities in order to meet the Millennium Development Goals (MDGs) in that regard, and ensure that all children have equitable and adequate access to quality health care, social services, food, shelter and education. In particular, the State party is encouraged to take all necessary measures to ensure that social protection programmes, such as the *Oportunidades* Programme, reach all children who need it and have a positive impact on the enjoyment of the human rights of the beneficiary families.**

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

### **Education, including vocational training and guidance**

526. The Committee welcomes the establishment of the *Oportunidades* Programme and of the “Programme for Reducing Arrears in Initial and Basic Education”, the reform of article 3 of the Constitution adopted in 2001 making preschool education compulsory for all as of 2008/9, as well as measures taken to increase the quality of education, in particular in remote areas. However, the Committee is concerned at continuing low enrolment rates, especially among migrants and indigenous children; the insufficient resources allocated to education; the considerable disparities in the coverage and quality of education between urban and rural areas; high dropout rates, particularly among adolescents as well as rural, indigenous and migrant children; and the low quality of teaching. The insufficient bilingual intercultural education in indigenous areas is also a cause of concern as it negatively affects the dropout rate in these areas. The lack of access to educational programmes for juvenile offenders is also a cause of concern.

The Committee is also concerned that necessary resources have not been allocated to ensure that preschools will have sufficient human and material resources to be free and accessible to all by 2008.

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

- (a) Increase budget allocation and take effective measures to ensure free quality education at all levels of primary and secondary education in all regions;**
- (b) Strengthen efforts to bridge the gaps in the coverage and quality of education throughout the country, in particular by improving the training of teachers and the teacher-pupil ratio;**
- (c) Strengthen measures to reduce the high dropout rate among indigenous children, inter alia, by providing them with bilingual and bicultural education;**
- (d) Take measures to identify the causes of the high dropout rate in schools, particularly in rural areas and in secondary schools, and to take steps to address the situation;**
- (e) Strengthen educational and vocational programmes, in particular for children who do not attend regular school education, especially migrant children;**
- (f) Ensure that all juvenile offenders have access to adequate educational and vocational programmes;**
- (g) Allocate necessary resources to ensure that quality preschool education will effectively be available to all children in the country by 2008.**

### **Sport and leisure**

528. The Committee is concerned about the lack of recreational activities, in particular sports facilities and playgrounds, and about the insufficiency of resources and infrastructure to guarantee the right to sport and leisure. The Committee notes with concern the relation between the lack of implementation of this right and the increase of child obesity.

**529. The Committee recommends that the State party ensure that all children have access to sport and recreational activities by:**

- (a) Increasing the hours and quality of sports programmes in schools;**
- (b) Developing specific sports and leisure programmes for children and adolescents;**
- (c) Increasing allocation of resources for the development of infrastructure and of recreational and cultural activities.**

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

**Refugee children**

530. The Committee notes the introduction in 2002 of the “Programme for the Protection of and Assistance to Asylum-Seeking Unaccompanied Children” and the Memorandum of Understanding signed in 2004 with the United States of America “for the safe, ordered, dignified and human repatriation of Mexicans”. However, the Committee remains concerned at the large number of unaccompanied children who are returned to their country of origin from Mexico, and at the absence of measures to protect unaccompanied migrant and refugee children. It is further concerned at the large number of unaccompanied children who are returned to Mexico and at the lack of capacity of the State party to protect and reintegrate all of them.

531. **The Committee recommends that the State party, taking into account the Committee’s general comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin, take all necessary measures to:**

- (a) Ensure that an appropriate legal and operational framework for the guardianship of foreign unaccompanied children is developed;**
- (b) Identify unaccompanied and asylum-seeking children along the southern border within the massive migratory flow, and ensure that they receive appropriate care;**
- (c) Enhance the capacity of DIF and of the Mexican Commission of Help to Refugees (COMAR) to protect unaccompanied migrant children, including by organizing trainings and awareness-raising programmes on the specific rights and vulnerability of unaccompanied minors;**
- (d) Ensure that asylum-seeking children and children who have an irregular migratory status are not detained and have access to special reception and care arrangements, such as that provided by the Tapachula centre;**
- (e) Ensure that all unaccompanied children who are returned to the State party receive appropriate protection and care, in particular verifying that social reinsertion measures are available to them;**
- (f) Engage in further bilateral or multilateral discussions with neighbouring States to provide for appropriate treatment of unaccompanied children throughout the region;**
- (g) Seek technical assistance in this respect from, among others, UNHCR.**

**Economic exploitation**

532. While noting the activities undertaken by the State party to reduce child labour and the decrease in the number of working children in the country, the Committee expresses its concern at the widespread occurrence of child labour, in particular of indigenous children, and at the

insufficiency of rights-based policies to protect the rights of children and adolescents involved in child labour. The Committee is particularly concerned about the large number of child domestic workers, who are vulnerable to abuse.

**533. The Committee urges the State to strengthen measures to combat child labour. It recommends that the State party:**

**(a) Formulate, in a participatory manner, a strategy and plan of action to reduce child labour and to safeguard the rights of working children;**

**(b) Strengthen the labour inspectorate to ensure the effective implementation of child labour laws, including the prohibition against employing children under the minimum age;**

**(c) Ratify ILO Convention No. 138 regarding the Minimum Age for Admission to Employment (1973);**

**(d) Seek assistance from ILO/IPEC in this respect.**

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

534. The Committee notes with interest the different programmes and initiatives existing in the State party to combat sexual exploitation of children as well as the signing of the Memorandum of Understanding, in this regard, with Guatemala. It remains concerned about the extent of sexual exploitation, trafficking and abduction of children in the State party, in particular in Ciudad Juárez, and about the lack of effective legislation to address this problem, both at the state and at the federal level.

**535. The Committee urges the State party to ensure that the legislative proposals under review both in the Senate and in the Congress concerning trafficking and sexual exploitation will provide effective protection for child victims and children at risk. The Committee also recommends that the State party:**

**(a) Conduct a comprehensive study to assess the causes, nature and extent of trafficking in children for various purposes, including commercial sexual exploitation;**

**(b) Amend the Penal Code so as to make the sexual exploitation, trafficking and abduction of children all criminal offences;**

**(c) Strengthen measures and adopt multidisciplinary and multisectoral approaches to prevent and combat trafficking in children and the sexual exploitation of children and adolescents;**

**(d) Undertake awareness-raising campaigns, particularly for parents and children;**

**(e) Ensure that trafficked children and children who have been subjected to sexual and economic exploitation are treated as victims and that perpetrators are prosecuted;**

**(f) Provide 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;**

**(g) Collaborate with NGOs working on these issues and seek technical assistance from, among others, the Inter-American Children's Institute and UNICEF.**

#### **Drug and substance abuse**

536. While noting the existence of the "Programme against Addictions", the Committee is concerned at the widespread use of drug and abuse of alcohol in the State party.

**537. The Committee recommends that the State party continue its efforts to eradicate the use of drugs and abuse of alcohol within its territory, including by:**

**(a) Strengthening existing measures to prevent drugs and other substances from being produced in the State party and from entering the State party;**

**(b) Providing children with accurate and objective information about the harmful consequences of substance abuse;**

**(c) Considering children and adolescents affected by the use of drugs and harmful substances as victims, and providing them with easily accessible drug abuse treatment and social reintegration, as well as a measure of penal protection;**

**(d) Developing recovery and social reintegration services for child victims of substance abuse;**

**(e) Formulating a rights-based plan of action for the protection of children and adolescents from the dangers of drugs and harmful substances, and involving children in its formulation and implementation.**

#### **Street children**

538. The Committee notes the indication that the number of street children has decreased in recent years, and the Programme for the Educational Development of Street Children ("*de la Calle a la Vida*"). However, the Committee expresses concern at the still high number of street children in the State party, at the absence of comparative research, and at the insufficient measures taken to prevent this phenomenon and to protect these children. In particular, the Committee regrets the violence to which these children are subjected by the police and others.

**539. The Committee recommends that the State party strengthen its efforts to provide assistance to street children, including health care; reintegration services for victims of physical, sexual and substance abuse and those with mental health problems; services for reconciliation with families; as well as education, including vocational and life-skills training. The Committee also recommends that the State party take measures to prevent**

**violence against street children and to protect their rights. The Committee further recommends that the State party cooperate and coordinate its efforts with civil society and undertake regularly comparative studies on the nature and extent of the problem. The State party is also encouraged to strengthen technical assistance with, among others, UNICEF.**

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

540. The Committee takes note with appreciation of the 2005 amendment of article 18 of the Constitution, which establishes a unified juvenile justice system. It welcomes in particular the development of alternatives to detention, most notably regarding rules of procedure and the specialization of courts. However, the Committee is concerned about the implementation of these dispositions, as they require enactment laws in each state to be drafted and implemented, as well as additional financial and human resources. The Committee is further concerned at the very poor living conditions of juveniles detained in police stations and other institutions.

541. **In the light of the Committee's day of general discussion on the administration of juvenile justice, the Committee urges the State party to ensure that juvenile justice standards are fully implemented, notably articles 37 (b), 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). In particular the Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that the States implement as a matter of priority the revised article 18 of the Constitution;**

**(b) Ensure that due process is guaranteed, including the hearing by a judge, before deprivation of liberty is carried out;**

**(c) Given the provision of article 18 of the Constitution, which establishes 14 years as the minimum age for deprivation of liberty, consider raising the minimum age of criminal responsibility to that same age;**

**(d) Ensure that persons under the age of 18 are not charged as adults;**

**(e) Develop and implement alternatives to pretrial and other forms of detention in order to ensure that deprivation of liberty is really a measure of last resort for the shortest time possible;**

**(f) Develop and implement adequate socio-educational programmes and appropriate arrangements for juvenile offenders, including mediation and community service;**

**(g) Conduct a thorough study of the conditions of deprivation of liberty and take the necessary measures to significantly improve the living conditions of juveniles deprived of their liberty;**

**(h) Continue and strengthen the training on the Convention and other relevant standards for those responsible for administering juvenile justice;**

**(i) Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the United Nations Interagency Panel on Juvenile Justice, regional institutions and UNICEF.**

### **Indigenous children**

542. While welcoming the measures taken to encourage indigenous children to attend schools, the Committee remains deeply concerned at the limited enjoyment of rights by indigenous children, especially indigenous migrant workers, in particular their very limited access to education and health, their disproportionately high malnutrition rate and their infant and maternal mortality rates. It is particularly concerned about the disproportionately high number of working children among indigenous children.

543. **The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention. The Committee further recommends that the State party provide indigenous communities in their own language as well as in a child-friendly format, with sufficient information regarding birth registration procedures; child labour; education and health; HIV/AIDS; child abuse and neglect, including corporal punishment; and on themes covered by the Optional Protocols to the Convention. In this regard, the Committee refers the State party to its recommendations adopted following its day of general discussion on the rights of indigenous children at its thirty-fourth session in 2003 and to the recommendations issued by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, contained in his report E/CN.4/2004/80/Add.2.**

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

544. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to the Optional Protocol on the sale of children, child prostitution and child pornography.

545. **The Committee encourages the submission of its initial reports under both Optional Protocols in a timely manner, and if possible, at the same time, to facilitate the review process.**

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

### **Follow-up**

546. Noting with appreciation the pledge made by the State party in support of its candidacy to the Human Rights Council to implement the recommendations from the treaty bodies, the Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia by transmitting them to the members of the National Congress, departmental councils and municipal governments for appropriate consideration and further action.

## **Dissemination**

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

### **11. Next report**

548. The Committee invites the State party to submit a consolidated fourth and fifth report by 20 April 2011 (that is, 18 months before the due date of the fifth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: El Salvador**

549. The Committee considered the initial report of El Salvador (CRC/C/OPAC/SLV/1) at its 1122nd meeting (see CRC/C/SR.1122), held on 15 May 2006, and adopted at the 1157th meeting (see CRC/C/SR.1157), held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

550. The Committee welcomes the timely submission of the State party's report and of the written replies to the list of issues and appreciates the frank and constructive dialogue held with the delegation. 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 30 June 2004 contained in CRC/C/15/Add.232.

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

551. The Committee notes with appreciation measures taken by the State party to implement and strengthen the protection of the rights contained in the Optional Protocol, in particular:

(a) The establishment by law of the minimum age for compulsory recruitment of 18 years and of voluntary recruitment of 16 years, with the necessary provisions to ensure that this recruitment complies with the requirements set out in the Optional Protocol;

(b) The human rights and humanitarian law courses included in the curriculum of the armed forces; and

(c) The reform under way, as announced by the delegation during the dialogue, of the Military Code and other relevant legislation to raise the minimum age of voluntary recruitment from 16 to 18 years.

## C. Principal areas of concern and recommendations

### 1. General measures of implementation

#### Legislation

552. The Committee welcomes the indication given by the delegation that the Code of Military Justice is being amended to criminalize violations of the 1977 Additional Protocols to the Geneva Conventions. However, the Committee is concerned that:

(a) Acts which violate the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict are not included in this reform; and

(b) The provision in the Constitution and in the Armed Forces (Military and Reserves Service) Act, that “in case of necessity, ... all able-bodied Salvadorans” may be recruited for military service, could indefinitely lower the age range of recruits.

553. **In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

(a) **Explicitly prohibit by law the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities;**

(b) **Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involving of children in hostilities;**

(c) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party;**

(d) **Stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect;**

(e) **Consider ratifying the 1998 Rome Statute of the International Criminal Court, in order to strengthen the international protection of children against recruitment;**

(f) **Consider ratifying the 1994 Inter-American Convention on Forced Disappearance of Persons.**

#### Monitoring of the implementation of the Protocol

554. The Committee wishes to reiterate its concern and recommendation adopted following the examination of the second periodic report under the Convention (CRC/C/15/Add.232) with regard to the Office of the Procurator for the Protection of Human Rights (Human Rights Procurator's Office) and the Office of the Deputy Procurator for the Rights of the Child. In addition, the Committee is concerned that the monitoring of the implementation of the Optional Protocols to the Convention on the Rights of the Child is not explicitly included in the mandate of the Human Rights Procurator's Office.

555. **The Committee recommends that the State party implement the recommendation contained in document CRC/C/15/Add.232, and explicitly include in the mandate of the Human Rights Procurator's Office the monitoring of the implementation of the Optional Protocols to the Convention on the Rights of the Child.**

#### **National plan of action**

556. The Committee welcomes the information on the various measures taken to implement the 1992 Peace Agreement and to address the consequences of the armed conflict.

557. **The Committee recommends that the State party adopt, in collaboration with non-governmental organizations (NGOs) and the civil society, a National Plan of Action for the implementation of the Optional Protocol as part of the 2001-2010 "Decade Plan" and of the provisions of the 1992 Peace Agreement that relate to the social reintegration of and assistance to children victims of the conflict. The Committee further recommends that the State party make efforts to trace children who disappeared during the conflict and to reunify them with their families when that is possible, and that it allocate sufficient financial and human resources to allow for the implementation of this part of the Plan of Action.**

#### **Dissemination and training**

558. While welcoming the information on the curriculum of the armed forces, the Committee regrets the lack of information received on measures to disseminate the Optional Protocol to the public at large.

559. **The Committee recommends that the State party widely disseminate information on the Optional Protocol and seize the opportunity of the reform of the Armed Forces (Military and Reserves Service) Act to hold a public debate on this topic. The Committee also recommends that the State party develop education and training programmes on the provisions of the Optional Protocol for children and all relevant professional groups working with and for children.**

#### **Budget allocations**

560. The Committee is concerned that the budget necessary for the implementation of the Optional Protocol, in particular for the provision of assistance for the physical and psychological recovery and the social reintegration of children who have been involved in hostilities, as contained in article 6, paragraph 3, has not been allocated. The Committee is also concerned that the resources required for the full implementation of the decision of the Inter-American Court in the *Hermanas Serrano Cruz v. El Salvador* case of 1 March 2005 have not been allocated.

561. **The Committee recommends that the State party allocate appropriate financial and human resources for the full implementation of the Optional Protocol and of the Inter-American Court decision, and to the Fund for Protection.**

## **Cooperation with NGOs**

562. The Committee regrets the lack of consultation with NGOs and civil society in the drafting process of the initial State party report.

**563. The Committee recommends that NGOs and civil society organizations, including youth groups and associations, participate in the drafting of further reports, in the implementation of the Optional Protocol and of the Committee's recommendations, as well as in the legislative process.**

## **2. Recruitment of children**

### **Voluntary recruitment**

564. The Committee welcomes the information received during the dialogue that in practice no child under the age of 18 has been recruited by the armed forces since 2000. However, the Committee is concerned that, considering the 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 2004 (see CRC/C/15/Add.232, paras. 33 and 34), it might be difficult in some cases to determine the real age of the recruits.

**565. The Committee recommends that the State party develop and strengthen measures to effectively guarantee that:**

**(a) During recruitment procedures, the documentation proving the age of the person is adequate; and**

**(b) The voluntary recruitment of 16- and 17-year-old children is abolished by law, so as to reflect the current situation.**

### **Impunity**

566. The Committee is particularly concerned at the absence of information on actions taken with respect to persons responsible for acts contrary to the Optional Protocol.

**567. The Committee requests information on the actions taken with respect to persons responsible for acts contrary to the Optional Protocol.**

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

### **Measures of disarmament, demobilization and social reintegration**

568. The Committee regrets the paucity of information provided on measures and programmes adopted with regard to disarmament, demobilization and social reintegration of victims, in particular children who have been affected by the civil war and victims of landmines, taking into account that the involvement in an armed conflict produces long-term consequences that require psychosocial assistance.

569. **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 the children who have been affected by the armed conflict and victims of landmines. The Committee would like, in particular, information on the implementation of the measures prescribed in this regard by the Inter-American Court in the *Hermanas Serrano Cruz v. El Salvador* case of 1 March 2005.**

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

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

570. 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 or a similar body, to the Defense Ministry and the police, to the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.

##### **Dissemination**

571. In the light of article 6, 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 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, as well as its implementation and its monitoring, within the Government and the Parliament, and to the general public, including concerned non-governmental organizations, youth groups and associations, and the media.

##### **D. Next report**

572. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth 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: Qatar**

573. The Committee considered the initial report of Qatar (CRC/C/OPSC/QAT/1) at its 1130th meeting (see CRC/C/SR.1130), held on 17 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

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

574. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPSC/QAT/Q/1). It further notes with appreciation the constructive efforts made by the high-level and inter-ministerial delegation to provide additional information in the course of dialogue.

575. 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 12 October 2001 contained in CRC/C/15/Add.163.

## **B. Positive aspects**

576. The Committee welcomes the adoption of the new Constitution, which strengthens the human rights and freedoms of all citizens and, in particular, protects children, providing care for young persons and protecting them from exploitation and neglect.

577. The Committee notes with appreciation that the State party has revised the provisions of the Criminal Code (Act No. 11 of 2004), the Code of Criminal Procedures (Act No. 23 of 2004) and the Labour Code (Act No. 14 of 2004).

578. The Committee welcomes the adoption of the Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing. It also welcomes the State party's investments in the development of robot jockeys and its efforts to promote the use of these robots instead of child jockeys.

579. The Committee also expresses its appreciation at the establishment of the Qatari House for Sheltering and Human Care, which provides protection, care and recovery for trafficked persons, including children.

580. Finally, the Committee welcomes the establishment of two offices, the office for human rights in the Ministry of the Exterior and the national office for combating trafficking in persons within the Supreme Council for Family Affairs, which raise awareness of trafficking in human beings in order to prevent this phenomenon and also assist victims of trafficking.

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

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

#### **Reservation**

581. The Committee welcomes the information that the State party intends to review its general reservation made upon accession to the Protocol. The Committee is of the view that the general nature of the reservation raises concern as to its compatibility with the object and purpose of the Optional Protocol.

**582. The Committee recommends that the State party expedite the review regarding 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.**

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

583. The Committee takes note of the coordination and implementation functions of the Supreme Council for Family Affairs and its Childhood Department, and their collaboration with an expert advisory body, the Childhood Committee. It notes with appreciation the establishment

of a coordinating committee to strengthen coordination and cooperation in the field of child issues, particularly between the Government bodies and civil society organizations. However, the Committee is concerned that the coordination does not cover all areas of the Optional Protocol.

**584. The Committee recommends that further steps be taken by the State party to strengthen its efforts to coordinate and evaluate the implementation of the Optional Protocol through the Supreme Council for Family Affairs. It also recommends that the State party continue to bring together Government bodies, civil society organizations and private institutions in order to promote the full implementation of the Optional Protocol throughout the country.**

#### **National plan of action**

585. The Committee notes that the State party is in the process of developing a national plan of action for children as a follow-up to the outcome document “A World Fit for Children” (A/RES/S-27/2). While taking note of the recommendations adopted by the Committee on trafficking in persons chaired by the Minister of the Exterior and the implementation work of the subsequently established subcommittee on trafficking in persons chaired by the Supreme Council for Family Affairs, the Committee is concerned about the delay in finalizing the national plan of action. It emphasizes the importance of incorporating all issues covered by the Optional Protocol in the plan of action.

**586. The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children, with time-bound targets. It recommends that the State party pay particular attention to combating child labour and eliminating trafficking and the sexual exploitation of children, including child prostitution and child pornography, in the national plan of action, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, and that it provide a specific budget allocation and adequate follow-up mechanisms for this plan’s full implementation. The Committee further recommends that, in the course of developing the national plan of action, the State party conduct research and provide comprehensive statistical data on the extent, nature and changing patterns of trafficking in children in Qatar.**

#### **Dissemination and training**

587. The Committee welcomes the joint programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Ministry of Education to disseminate information on the rights of the child in schools. It also notes with appreciation the State party’s collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the training sessions on the Convention on the Rights of the Child provided for professionals in April 2005. Despite these very positive steps taken, the Committee is concerned that the question of sexual exploitation of children, including child pornography, is not adequately taken up as a subject for public discussion in the Qatari society, and that the awareness of sexual exploitation is still insufficient.

588. **The Committee recommends that the State party continue and strengthen measures to disseminate information on the provisions of the Optional Protocol within the Qatari society, especially among children, parents and other caregivers and professionals working with and for children, in order to prevent and eliminate sexual exploitation and pornography involving children. The Committee recommends that the State party consider launching a national communication strategy to combat all types of sexual exploitation of children, one that includes information and awareness-raising campaigns and the use of school curricula and appropriate materials tailored for children.**

#### **Data collection**

589. The Committee regrets the lack of statistical data on the number of children trafficked to and from Qatar, as well as in the country, and the number of reported cases of sale of children, child prostitution and child pornography. However, it notes that the data on children used as jockeys in camel races includes some information on trafficking and the sale of children.

590. **The Committee recommends that the State party conduct an in-depth, analytical study on the trafficking and sale of children, child prostitution and child pornography, and that the State party systematically collect data on all areas covered by the Optional Protocol and use such data to assess progress and design policies and programmes to further implement the Optional Protocol. The data should cover all children under the age of 18 years and be disaggregated by sex and by those groups of children who are in need of special protection.**

#### **Budget allocations**

591. The Committee notes that many official State bodies focus on children's issues, for example the Supreme Council for Family Affairs, and that these bodies allocate a part of their budget to the implementation of the Optional Protocol. However, it regrets the lack of specific information on these budget allocations.

592. **The Committee recommends that the State party provide specific information on budget allocations for the implementation of the Optional Protocol in its next periodic report.**

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

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

593. The Committee expresses its appreciation for the State party's efforts to criminalize the sale of children, child prostitution and child pornography. Nevertheless, the Committee is concerned that the provisions of the Criminal Code do not include all purposes and forms of the sale of children included in article 3, paragraph 1, of the Optional Protocol, notably the transfer of organs of the child for profit. It also notes with concern that the wording of the Criminal Code's provisions on prostitution provides for gender disparities, e.g. females can be induced or incited to engage in prostitution, but males can be induced or incited to engage in debauchery.

594. **The Committee recommends that the State party continue its efforts to amend the provisions of the Criminal Code with a view to fully covering all purposes and forms of the sale of children, particularly the transfer of organs of the child for profit. The Committee also recommends that the State party review the formulation of articles 296 and 297 of the Criminal Code in order to have a gender-neutral approach to the criminalization of prostitution.**

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

#### **Jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol**

595. The Committee notes with concern the principle of “double criminality” in article 18 of the Criminal Code, which requires that a person who has committed a serious or lesser offence abroad can be punished in Qatar only if the act is punishable under the law of the country in which it was committed. The Committee is concerned that this requirement hinders the prosecution of offences referred to in the Optional Protocol.

596. **The Committee recommends that the State party amend its legislation in order to abolish the requirement of “double criminality” for prosecution in Qatar of offences committed abroad.**

#### **Extradition**

597. The Committee notes with concern that extradition is made only upon existence of a bilateral agreement and on the basis of reciprocity.

598. **The Committee recommends that the State party amend its legislation by making extradition possible, using the present Optional Protocol as a legal basis for extradition in respect of such offences.**

### **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**

599. The Committee is concerned about the lack of specific provisions to protect the rights and interests of trafficked child victims during the criminal investigation and justice process, in particular when these children take part in the process as plaintiffs or are called to testify.

600. **The Committee recommends that the State party bring its legal provisions into full conformity with article 8 of the Optional Protocol in order to ensure that trafficked children are provided with protection, access to health care, adequate assistance and social reintegration services when they are involved in the criminal investigation and justice process. It further recommends that the State party be guided by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).**

601. The Committee welcomes the services provided for child victims by the Qatari Foundation for the Protection of Children and Women.

**602. The Committee recommends that the State party continue to provide adequate financial, human and technical resources for the Qatari Foundation for the Protection of Children and Women in order to allow it to carry out its activities under the Optional Protocol and to ensure that these activities are in full compliance with the provisions of the Optional Protocol.**

603. As regards the repatriation of former Sudanese camel child jockeys, the Committee notes with appreciation the project for social and psychological recovery of these children led by the Qatar Charitable Society in collaboration with the National Council for Protecting Childhood in Sudan. However, the Committee is concerned that these kinds of services are only available in the context of specific projects and that individual children seeking help are provided with only a limited number of services.

**604. The Committee recommends that the State party continue and strengthen its efforts to provide adequate recovery assistance and social reintegration services, including psychiatric and medical care, counselling and education, for all children who are or will be victimized by being used as camel jockeys. It recommends that the State party continue to repatriate these children and to take all necessary measures to reunite them with their families when this is in the best interests of the child. The Committee recommends that the State party continue its collaboration with concerned countries in this matter, and seek technical assistance from, among others, UNICEF.**

605. While welcoming the establishment of a telephone hotline, currently under the authority of the Qatari Foundation for the Protection of Women and Children, for child victims of violence and abuse, the Committee is concerned about the unclear role of this hotline and as to whether the hotline is accessible to children in the most vulnerable situations, such as children trafficked for exploitative purposes.

**606. The Committee recommends that the State party provide financial and technical support for the telephone hotline for child victims of violence and abuse in order to maintain and expand this service to the whole country. It also recommends that the hotline receives a toll-free, 3-digit phone number so that neither the helpline nor the child needs to pay for accessing hotline services, and that the hotline provides 24-hour service. The Committee recommends that the State party support the Qatari Foundation for the Protection of Women and Children to ensure that children, particularly the most marginalized children, are aware of and can access the hotline, and that the hotline continue to provide access to appropriate physical and psychological treatment and other services for children.**

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

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

607. While referring to the Law No. 22 of 23 May 2005 on Banning the Employment, Training and Participation of Children in Camel Racing, the Committee is concerned about the evidence that Qatar was a destination country of trafficked children, particularly for use as camel child jockeys, before the adoption of this law.

608. **The Committee recommends that the State party take all necessary measures to effectively implement the Law on Banning the Employment, Training and Participation of Children in Camel Racing (Law No. 22 of 23 May 2005) in order to ensure that children are not used as jockeys in camel races, and that the State party carry out regular unannounced inspections in camel races. It recommends that the State party ensure that all perpetrators, for example persons responsible for trafficking and employing children as camel jockeys, are prosecuted for offences enumerated in article 3, paragraph 1, of the Optional Protocol. As regards prevention, the Committee recommends that the State party share its good practices through bilateral and multilateral cooperation in the Gulf region. It further recommends that the State party provide detailed information on the results of the implementation of the Law on Banning the Employment, Training and Participation of Children in Camel Racing in its next periodic report.**

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

### **Prevention**

609. While noting the very high number of migrant workers in the State party, and particularly female domestic workers' status on the margins of society, the Committee is concerned at the situation and vulnerability of migrant workers' children in the Qatari society. The Committee is also concerned about the situation of trafficked children, for example those used to work as camel jockeys, who are particularly vulnerable to all forms of exploitation. The Committee regrets that the State party has not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

610. **The Committee recommends that the State party take special measures to address the situation of vulnerable groups of children, such as the children of migrant workers or trafficked children, who are at particular risk of being victims of multiple forms of exploitation. 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, paying particular attention to their access to social and health services and education. The Committee further recommends that the State party 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).**

## **Law enforcement**

611. The Committee notes with appreciation the numerous bilateral agreements and memorandums of understanding signed by the State party in the domain of judicial and security cooperation.

612. **The Committee encourages the State party to continue and strengthen its bilateral, regional and multilateral cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law-enforcement agencies of States facing problems in this area.**

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

### **Follow-up**

613. **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 Advisory Council (*Majlis al-Shura*), as well as to municipalities (*baladiyat*), when applicable, for appropriate consideration and further action.**

### **Dissemination**

614. **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 its monitoring.**

## **8. Next report**

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

### **Concluding observations: Uzbekistan**

616. The Committee considered the second periodic report of Uzbekistan (CRC/C/104/Add.6) at its 1133rd and 1135th meetings (see CRC/C/SR.1133 and 1135), held on 19 June 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

## **A. Introduction**

617. The Committee welcomes the submission of the State party's second periodic report, as well as the detailed written replies to its list of issues (CRC/C/UZB/Q/2), which gave a clearer understanding of the situation of children in the State party. It further welcomes the constructive dialogue during the discussion.

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

618. The Committee notes with appreciation:

(a) The information about the progress in the implementation of the National Plan of Action, adopted in 2001, based on the recommendations of the Committee on the Rights of the Child;

(b) The information that a law on the Guarantees of the Rights of the Child has been drafted;

(c) The declaration of the delegation about the possible establishment of the Ombudsperson for Children.

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

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

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

619. The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.167) made upon the consideration of the State party's initial report (CRC/C/41/Add.8) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, adoption of a comprehensive children's code, non-discrimination, ill-treatment and abuse of children, the protection of refugees and displaced children and street children, and child labour and administration of juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

**620. 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 and implementation**

621. The Committee notes the efforts on legislative reform made by the State party, such as the review of existing legislation on the Office of the Ombudsperson and the various bills prepared by the National Human Rights Centre (e.g. the draft law on the Guarantees of the Rights of the Child), but it is concerned at the lack of enactment of new laws.

622. **The Committee recommends that the State party complete as soon as possible the current legislative efforts with a view to bringing the law into compliance with the provisions of the Convention (e.g. by adopting the law on the Guarantees of the Rights of the Child), thereby ensuring that the principles and the provisions of the Convention are fully integrated in the laws of the State party.**

623. **The Committee further recommends that the State party ensure adequate financial and human resources for an effective implementation of new laws in accordance with the Convention.**

#### **Coordination and national plan of action**

624. While noting the National Plan of Action to implement the recommendations of the Committee on the Rights of the Child adopted in 2001, the Committee is concerned that it does not cover the full scope of the Convention. The Committee takes note of the Cabinet of Ministers, but it is concerned that the State party does not have a coordinated approach for the implementation of the Convention. One area of particular concern is the coordination of the national and local governmental offices responsible for children's issues.

625. **The Committee recommends that the State party develop, in collaboration with civil society, a national plan of action for the full implementation of the Convention that takes into account, inter alia, the Plan of Action "A world fit for children" adopted by the General Assembly special session in May 2002, e.g. by expanding the current national plan of action to all the principles and provisions of the Convention. The Committee also urges the State party either to establish a body at the inter-ministerial level or entrust an existing one within its administration with a clear mandate to coordinate all activities related to the implementation of the Convention, and to provide it with the necessary human and financial resources.**

#### **Independent monitoring**

626. The Committee welcomes the information that the Office of the Ombudsperson receives and deals with complaints on violations of children's rights. However, the Committee is concerned at the reported insufficient financial and human resources of the Office of the Ombudsperson, and that it may not be a fully independent national institution in accordance with the Paris Principles.

627. **The Committee recommends that the role of the Office of the Ombudsperson be strengthened in accordance with the Paris Principles (General Assembly resolution 48/134, annex), taking into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), and that the State party provide the Office of the Ombudsperson with adequate human and financial resources. The Committee also recommends that the State party further strengthen the expertise of the Office to deal with complaints submitted by or on behalf of children; ensure that the procedure for dealing with these complaints are child-sensitive, easily accessible; and further pursue the establishment of Children's Ombudsperson as foreseen in the draft law on the Guarantees of the Rights of the Child.**

### **Resources for children**

628. The Committee welcomes the information on the significant increase of budget allocations for health care, preschool and primary education, but is concerned that allocated financial resources are not resulting in significant improvements and that some areas covered by the Convention are not sufficiently provided with financial resources.

**629. The Committee encourages the State party to further increase its budget allocations for the implementation of all provisions of the Convention (in line with article 4) and to provide detailed information about the results in its next report. The Committee further recommends that the State party take measures to ensure that budget allocations are spent in the most efficient and effective way in order to achieve the necessary improvements.**

### **Data collection**

630. The Committee welcomes the efforts of the State party to improve data collection, e.g. by developing a list of indicators to be used at various levels, but it remains concerned that disaggregated data on persons under the age of 18 years relating to the rights contained in the Convention are not systematically collected and used effectively to assess progress and design policies to implement the Convention.

**631. The Committee urges the State party to continue and strengthen its efforts to develop a comprehensive system for collecting data on all areas of the Convention to cover all those under the age of 18 years as a basis for assessing progress achieved in the realization of the children's rights and to help design policies to implement the Convention. It also recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF) in this regard.**

### **Dissemination and training**

632. The Committee welcomes the efforts made by the State party to organize information and training activities. However it remains concerned that there does not seem to be a systematic training programme, and that children and the public at large, as well as many professionals working with and for children, are not sufficiently aware of the provisions of the Convention and the rights-based approach enshrined therein.

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

**(a) Strengthen public awareness campaigns on the Convention aimed at the general public and specifically at children;**

**(b) Develop a systematic training programme on the principles and provisions of the Convention at both the national and local levels, addressed to all professionals working with and for children, in particular teachers, judges, parliamentarians, law-enforcement officials, civil servants, local administrative workers, local authorities, Mahalla Committees, personnel working in relevant institutions and health personnel, including psychologists and social workers.**

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

634. The Committee welcomes the information that the minimum age of marriage will be set at age 18 for both girls and boys as recommended in previous concluding observations.

**635. The Committee recommends that the State party expedite the legislative reform to that effect.**

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

### **Non-discrimination**

636. While noting that according to the 1992 Constitution all children are equal before the law and that it guarantees to children respect of their rights without discrimination, the Committee is concerned at the lack of specific anti-discrimination legislation and at the low level of awareness of international anti-discrimination standards among judges, lawyers and law-enforcement personnel.

637. The Committee is also concerned at the prevailing disparities in the enjoyment of rights of children, in particular those belonging to the most vulnerable groups such as refugees, asylum-seekers, internally displaced children, children with disabilities, abandoned children and those living in institutions and in regions with socio-economic development problems.

638. Furthermore, the Committee remains concerned about the continuing existence of a compulsory residence registration system (*propiska*), as it affects the enjoyment of a number of rights and freedoms of children, placing them in more vulnerable circumstances.

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

**(a) Adopt specific anti-discrimination legislation, as also recommended by the Committee on the Elimination of Racial Discrimination in its concluding observations adopted in April 2006 (CERD/C/UZB/CO/5, para. 9);**

**(b) Take necessary measures to ensure that all children enjoy their rights and freedoms without de facto discrimination;**

**(c) Ensure that the existing compulsory residence registration system (*propiska*) does not limit the rights and freedoms of children;**

**(d) Undertake (all necessary) proactive measures to combat societal discrimination, in particular against girls, refugee and asylum-seeking and internally displaced children, children with disabilities, abandoned children and those living in institutions and in regions with socio-economic development problems through inter alia public education and awareness campaigns;**

**(e) Launch a comprehensive public education campaign to prevent and combat all forms of discrimination;**

**(f) Undertake training activities for local authorities, Mahalla Committees, judges, lawyers and law-enforcement personnel on international anti-discrimination standards.**

640. **The Committee reiterates its request 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, and taking into account general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

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

641. While taking note of the intention of the State party to incorporate the principle of best interests of the child in the domestic legislation, the Committee is concerned that the principle of the best interests of the child is not yet reflected in legislation and appears not to be fully respected in practice.

642. **The Committee recommends that the State party incorporate the principle of best interests of the child in the domestic legislation related to children, inter alia within the draft law on the Guarantees of the Rights of the Child, and encourages the State party to promote this principle in the society at large and in particular among parents and professionals working with and for the children (see paragraph 18 (b)) and the Mahalla Committees through, inter alia, public education and awareness campaigns.**

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

643. The Committee reiterates its concern that traditional societal attitudes towards children limit the respect for their views, within the family, schools, other institutions and society at large.

644. **The Committee recommends that the State party, in accordance with article 12 of the Convention:**

**(a) Promote and facilitate respect for the views of children and their participation in all matters affecting them;**

**(b) Ensure that children be provided the opportunity to be heard in any judicial and administrative proceedings;**

**(c) Provide educational information to, inter alia, parents, professionals working with and for the children (see paragraph 18 (b)), the Mahallas Committees and society at large on children's right to have their views taken into account and to participate;**

**(d) Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policies, programmes and on children themselves.**

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

##### **Birth registration**

645. The Committee is concerned at the existence of fees for the issuance of birth certificates, which affects in particular families living in poverty, and that refugee families face particular difficulties when attempting to register their children.

**646. The Committee urges the State party to take all necessary measures to ensure that children are registered immediately after birth. The Committee also urges the State party to ensure that the national legislation regulating birth registration is in accordance with the provisions of article 7 of the Convention, and to abolish the practice of charging fees for birth certificates and ensure full implementation of this prohibition.**

##### **Right to life**

647. The Committee is concerned at the reports of children being killed during the events in Andijan on 13 and 14 May 2005, and at the lack of independent investigations into these cases.

**648. The Committee urges the State party to establish an independent commission of inquiry into the incidents of 13-14 May 2005 in Andijan, and to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, and other special procedure mandate holders who have made specific requests, to visit the country.**

##### **Protection of privacy**

649. While noting that the right to privacy of correspondence and telephone conversations is protected in article 27 of the Constitution, the Committee is concerned at the lack of information on rules, regulations and practice regarding the protection of this right, particularly for children in institutions.

**650. The Committee recommends that the State party submit specific information on these rules, regulations and practice, and on the procedure for submission and handling of complaints in case of violations of the rights to privacy.**

##### **Torture and other forms of ill-treatment**

651. While noting the National Plan of Action for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee is deeply concerned at the numerous reports of torture and ill-treatment of persons under the age of 18 years, and the reportedly insufficient efforts by the State party to investigate allegations of torture and prosecute the alleged perpetrators. The Committee is also concerned at the definition of torture in the State party's Criminal Code, which seems to allow for various interpretations by the judiciary and the law enforcement authorities.

652. **The Committee urges the State party:**

(a) **To amend the relevant provisions of its Criminal Code in order to ensure a consistent interpretation of the definition of torture by the judiciary and the law enforcement authorities, as recommended by the Committee against Torture and the Human Rights Committee in 2002 and 2005, respectively (CAT/C/CR/28/7 and CCPR/CO/83/UZB);**

(b) **To undertake systematic training programmes at the national and local level, addressed to all professionals working with and for children (see paragraph 18 (b)), and the Mahalla Committees, on prevention of and protection against torture and other forms of ill-treatment;**

(c) **To investigate the allegations of torture and ill-treatment of persons under 18, and take all measures to bring the alleged perpetrators to justice;**

(d) **To implement the National Plan of Action for the implementation of the Convention against Torture and pay particular attention to measures related to children.**

#### **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 and alternative care**

653. The Committee reiterates its concern that a high number of children, especially with disabilities, are abandoned or are otherwise deprived of a family environment. The Committee also reiterates its concern that foster care or other forms of family-based alternative care are not yet sufficiently developed and available. The Committee is also concerned at the high number of children in institutions, and that children are often placed in institutions due to parent's lack of economic means or their migrating to other countries in pursuit of work. The Committee is further concerned about the quality of care and living conditions of children placed in institutions. The Committee also notes with concern the lack of effective mechanisms for children to communicate concerns and complaints about their placement in institutions, as well as the lack of follow-up measures to support children who leave institutional care.

654. **The Committee urges the State party:**

(a) **To adopt a comprehensive strategy and take effective measures to reduce and prevent the abandonment of children and the deprivation of their family environment, e.g. community programmes at local level, inter alia, those aiming at poverty reduction, services accessible to parents, training programmes for parents, parental guidance and counselling, and family mediation services;**

(b) **To develop policies and procedures to ensure that children do receive, when necessary, adequate alternative care that fully respects the provisions of the Convention;**

**(c) To ensure that the implementation of the law on the Guarantees of the Rights of the Child respects the principles of the Convention in particular with regard to family environment, adoption, parental authority, legal guardianship, foster placement, placement in institutions;**

**(d) To take measures to increase and strengthen foster care, in particular family-type foster homes and other family-based alternative care, and to place children in institutions only as a last resort;**

**(e) To ensure that the decisions to place children in institutions be for a certain period of time and examined periodically to evaluate the possibility that the child might be reintegrated into his/her family or identifying an adoptive family;**

**(f) To take all necessary measures to ensure that children are placed in institutions only as a last resort, and that they enjoy all rights of the Convention and in particular receive appropriate protection, education and health care, and that the living conditions in institutions are of the highest standard and regularly monitored;**

**(g) To strengthen complaints mechanisms for children in institutions to ensure that they deal with complaints of ill-treatment effectively and in a child-sensitive manner.**

### **Adoption**

655. The Committee reiterates its concern at the practice of keeping the identity of biological parents of the adoptee secret, and at the reports of abuses of adoption procedures and the lack of information on inter-country adoptions.

656. **The Committee urges the State party:**

**(a) To establish a comprehensive national policy and guidelines governing adoption in order to ensure that domestic and inter-country adoption is performed in full compliance with the best interests of the child and the appropriate legal guarantees in accordance with the Convention;**

**(b) To ensure that adopted children at the appropriate age have the right to access to the identity of their biological parents;**

**(c) To strengthen its monitoring of inter-country adoptions, in particular by ratifying and implementing the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

### **Child abuse and neglect**

657. The Committee expresses its concern at the reports of abuse and neglect with regard to children that take place in families and institutions, and at the lack of an effective reporting system. The Committee is also concerned at the lack of specific legislation on domestic violence.

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

(a) **Adopt specific legislation on domestic violence, and that it provide a definition of domestic violence and consider domestic violence as a criminal offence;**

(b) **Carry out effective public-awareness campaigns and adopt measures to provide information, parental guidance and counselling with a view, inter alia, to preventing violence against children;**

(c) **Carry out systematic training and awareness campaigns at the national and local level addressed to all professionals working with and for children (see paragraph 18 (b)), as well as the Mahalla Committees on prevention of ill-treatment and neglect of children within the family, in schools and in institutions;**

(d) **Establish an effective system for the reporting of child abuse and neglect and provide training for professionals working for and with the children on how to receive, monitor and investigate complaints in a child-sensitive manner, and how to bring the perpetrators to justice;**

(e) **Ensure access to counselling for all victims of violence as well as assistance for their recovery and social reintegration.**

#### **Corporal punishment**

659. While noting that corporal punishment is prohibited in schools, the Committee notes with concern the reports that it is widely practiced in the family and in institutions.

660. **The Committee recommends that the State party take into account its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006), and:**

(a) **Prohibit corporal punishment by law in institutions and the family and ensure that legislation is properly enforced in schools and institutions, and complied with in the family;**

(b) **Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes about corporal punishment, and promote positive, non-violent forms of discipline in schools, in institutions and at home.**

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

#### **Children with disabilities**

661. The Committee is concerned that children with disabilities remain disadvantaged in the enjoyment of their rights guaranteed by the Convention, and are not fully integrated into the education system as well as into recreational or cultural activities.

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

(a) **Review all policies affecting children with disabilities to ensure they meet the needs of children with disabilities and are in accordance with the Convention and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations General Assembly on 20 December 1993 (A/RES/48/96);**

(b) **Ensure that children with disabilities may exercise their rights to education and facilitate their inclusion in the mainstream education system;**

(c) **Increase the human and financial resources allocated to mainstream education and services for children with disabilities, and when necessary, increase the human and financial resources allocated to special education for children with disabilities;**

(d) **Promote greater integration of children with disabilities into recreational and cultural activities;**

(e) **Pursue efforts to avoid the marginalization and exclusion of children with disabilities.**

#### **Health and health service**

663. The Committee takes note of the State party's efforts towards health sector reform aimed at strengthening the preventive health services, making curative services more effective and efficient, and strengthening management at the local level. The Committee also acknowledges the high immunization coverage throughout the country, and the initiative from the Ministry of Health to start introducing the World Health Organization (WHO) live birth definition. However, the Committee remains concerned at discrepancies between urban and rural areas regarding infant and under-five child mortality, and at the continuing need for primary health care at community level and the implementation of effective nutrition programmes in the health sector. The Committee is also concerned at the increasing number of children infected with preventable diseases, such as Tuberculosis, Hepatitis A and Hepatitis B.

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

(a) **Continue its reform of the health sector and its efforts to strengthen the primary care centres and the preventive health services;**

(b) **Plan and implement systematic health programmes, in particular nutrition programmes covering the different regions, especially those with socio-economic development problems;**

(c) **Continue its efforts to fully introduce the WHO live birth registration at the national level, and to implement a basic package for newborn care;**

(d) **Increase the parent's awareness on the monitoring of nutritional status of the children.**

### **Adolescent health**

665. The Committee is concerned at the increasing number of adolescents using drugs. It is further concerned that sexually transmitted infections (STIs) and HIV/AIDS among youth are on the rise.

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

(a) **Undertake a study of adolescent health with a view to developing a comprehensive adolescent health policy that addresses in particular sexual health and drug abuse;**

(b) **Develop health promotion programmes for adolescents taking 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 (2003);**

(c) **Train teachers, social workers and others working with children on how to address drug abuse and other adolescent health issues in a manner that is child-sensitive;**

(d) **Provide educational services and adequate treatment and recovery services for adolescent drug users;**

(e) **Take urgent measures to prevent and to combat the spread of HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child (2003).**

### **Standard of living**

667. The Committee notes with concern that in spite of growth rates, a large number of families live in economic hardship, near or below the level of subsistence, and that there are growing disparities in the socio-economic situation of families in rural and urban areas. The Committee is also concerned at reports of widespread practices of corruption, which are believed to have an adverse effect on the level of resources available for the implementation of the Convention.

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

(a) **Take all measures to provide support and material assistance to economically disadvantaged families, including the implementation of the Interim Poverty Reduction Strategy Paper (2005-2010) and targeted programmes with regard to the population in the greatest need in order to guarantee the right of all children to an adequate standard of living;**

(b) **Ensure that the financial support system provided to families living under difficult economic conditions is expanded and that day-care centres and schools assist disadvantaged families with regard to childcare and education;**

(c) **Take all measures to investigate allegations of practices of corruption and to prevent and eradicate corruption.**

## **Environmental health**

669. The Committee shares the State party's concern at the ecological disaster that continues to affect the Aral Sea and its environment. The Committee is deeply concerned at the negative consequences of this disaster for the health and development of children living in the Aral Sea region (Karakalpakstan) due to the lack of safe drinking water, the use of pesticides in agriculture (cotton) and the extreme poverty of their parents.

**670. The Committee recommends that the State party take all necessary measures to provide the children in the Aral Sea region with the best possible health care and to develop income-generating projects for their parents. The Committee further recommends that the State party take all necessary measures to stop the deterioration of the Aral Sea region, improve the water management and the irrigation network in the region, and systematically try to re-establish as much as possible the Aral Sea and its wetland ecosystem.**

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

671. The Committee welcomes the information that public education is free and compulsory until the completion of secondary education, and the State party's efforts to improve the quality of education (e.g. the elaboration of the National Personnel Training Programme). However, the Committee remains concerned about the hidden costs of education; the lack of reliable information on dropout, repetition and absenteeism rates in primary and secondary schools; and the educational consequences of children working during cotton harvest season.

672. The Committee is also concerned at information that refugee children may have difficult access to free primary education and that they find it difficult to attend secondary school, as they are required to pay fees as foreigners.

**673. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education (2001), undertake all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented. In particular, the State party should:**

**(a) Ensure that primary education is free and accessible to all children, taking also into account the Dakar Framework for Action (2000);**

**(b) Take measures to eliminate all hidden costs of school attendance;**

**(c) Take the necessary measures to improve the quality of education and to provide quality training for teachers;**

**(d) Ensure that refugee children have access to free primary education and facilitate access to secondary education;**

**(e) Guarantee that the cotton harvest season does not compromise children's right to education.**

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

**Refugee and asylum-seeking children**

674. The Committee is concerned that the national legal framework does not provide for the protection of refugee and asylum-seeking children as well as at the situation of internally displaced and stateless persons. The Committee is further concerned at the possible consequences that the closure of the office of UNHCR in Tashkent, upon request of the Government, may have on the protection of refugee and asylum-seeking children in the country.

**675. The Committee recommends that the State party adopt national refugee and migration legislation consistent with basic human rights standards and in particular with the Convention, and that it ensure human and financial resources for its implementation.**

**676. The Committee encourages the State party to consider ratifying the Convention on Refugee Status of 1951 and the Optional Protocol of 1967, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on Reduction of Statelessness.**

**Street children**

677. The Committee shares the State party's concern at the increasing number of street children. The Committee is also concerned that these children do not have access to health and other services because they live in places where they have no residence registration.

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

**(a) Undertake an in-depth study on the root causes and extent of this phenomenon and, based on the results of this study, establish a comprehensive strategy to prevent it and to reduce the number of street children;**

**(b) Provide further information on the situation of abandoned and homeless children in its next report;**

**(c) Ensure that these children, regardless of their residence registration, have access to health and other services, and that their rights are fully guaranteed.**

**Economic exploitation/child labour**

679. The Committee welcomes the information that the Uzbekistan law on child labour is in compliance with international standards and the State party's efforts to address child labour in consultation with ILO/IPEC. Nevertheless, the Committee is deeply concerned at the information about the involvement of the very many school-age children in the harvesting of cotton, which results in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.

680. **The Committee urges the State party:**

(a) **To take all necessary measures to ensure that the involvement of school-age children in the cotton harvesting is in full compliance with the international child labour standards, inter alia in terms of their age, their working hours, their working conditions, their education and their health;**

(b) **To ensure regular inspection of the harvesting practice to monitor and guarantee full compliance with international child labour standards;**

(c) **To establish control mechanisms to monitor the extent of all other forms of child labour, including unregulated work; address its causes with a view to enhancing prevention; and, where children are legally employed, ensure that their work is not exploitative and is in accordance with international standards;**

(d) **To seek assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF in this regard.**

681. **The Committee encourages the State party to ratify ILO Conventions No. 138 (1973), concerning the Minimum Age for Admission to Employment, and No. 182 (1999), concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

### **Sexual exploitation and trafficking**

682. The Committee reiterates its concern at the lack of data on and insufficient awareness of the phenomenon of sexual exploitation and trafficking of children in the State party. It is also concerned that victims of sexual exploitation do not have access to appropriate recovery and assistance services.

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

(a) **Train law-enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints, in a child-sensitive manner;**

(b) **Increase the number of trained professionals providing psychological counselling and other recovery services to victims;**

(c) **Develop preventive measures that target those soliciting and providing sexual services, such as materials on relevant legislation on the sexual abuse and exploitation of minors as well as on education programmes, including programmes in schools on healthy lifestyles.**

### **Juvenile justice**

684. While taking note of a draft special law on juvenile justice, the Committee is concerned at the lack of information on the number and conditions of children in the juvenile justice system, and at the allegations of ill-treatment of children who are kept with adults in pretrial detention and in police custody.

685. **The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular with articles 37, 39 and 40, 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) and 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 staffed with appropriately trained professional personnel;**
- (b) Take all measures to ensure that detention, including pretrial detention, is used only as a measure of last resort, and not in the case of status offences;**
- (c) Ensure that persons under the age of 18 in custody are separated from adults;**
- (d) Take urgent measures to improve the conditions of detention of persons under the age of 18, and bring them into full conformity with international standards;**
- (e) Strengthen recovery and reintegration programmes and train professionals in the area of social recovery and social reintegration of children;**
- (f) Introduce training programmes on relevant international standards for all professionals involved with the administration of justice;**
- (g) Seek technical assistance from the United Nations Panel Interagency Panel on Juvenile Justice among others.**

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

686. The Committee notes that the State party has not 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.

687. **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.**

#### **10. Dissemination and follow-up**

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

688. **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, and the Mahalla Committees when applicable for appropriate consideration and further action.**

### **Dissemination**

689. **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 its monitoring.**

### **11. Next report**

690. The Committee invites the State party to submit a consolidated third and fourth report, by 28 January 2010 (that is, 18 months before the due date of the fourth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. 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: Turkmenistan**

691. The Committee considered the initial report of Turkmenistan (CRC/C/TKM/1) at its 1235th and 1237th meetings (see CRC/C/SR.1235 and 1237), held on 24 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

692. The Committee, while noting the delay of almost 10 years in its submission, welcomes the State party's initial report. The Committee would have appreciated the participation of a broader delegation and regrets that no written replies were received to its list of issues.

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

693. The Committee welcomes:

(a) The new country programme 2005-2009, in cooperation with UNICEF, focusing in particular on the well-being of children in the health and social sectors;

(b) The adoption of the National Programme on HIV/STI Prevention in Turkmenistan (2005-2010), in April 2005;

(c) The "Young People's Right to Work (Guarantees) Act" of 1 February 2005 which inter alia forbids the work of school-age children in cotton fields.

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

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 29 April 2005, and on the involvement of children in armed conflict, on 28 May 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, on 28 March 2005.

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

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

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

695. The Committee, while welcoming the fact that recent legislative reforms have expanded the protection of the rights of children, is concerned at inconsistencies and discrepancies in the national legislation, especially in the area of adoption and guardianship, and that the implementation of this legislation is not always adequate. Furthermore, while noting the Rights of the Child (Guarantees) Act of 5 July 2002, it is concerned that this Act does not cover all rights protected under the Convention.

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

(a) **Improve and harmonize its legislation in order to achieve compliance with the principles and provisions of the Convention;**

(b) **Review the Rights of the Child (Guarantees) Act of 5 July 2002 so that it covers all the rights enshrined in the Convention;**

(c) **Provide all the necessary means for an effective implementation of its legislation, including appropriate budgetary resources and monitoring mechanisms;**

(d) **Take into account the Committee's general comment No. 5 (2003) on General measures of implementation for the Convention on the Rights of the Child for the implementation of the recommendations contained in this section of the concluding observations (paras. 5-21).**

##### **Coordination**

697. The Committee notes that the Department for Youth Affairs in the Office of the President promotes the coordination between State bodies and voluntary organizations with regard to policies for children, while the Cabinet of Ministers - also headed by the President - is tasked with coordinating activities at governmental level.

698. **The Committee recommends that the State party ensure a comprehensive and effective implementation of all policies regarding children throughout the country, including by strengthening coordination between the different bodies involved in the implementation of the Convention in order to ensure respect of its principles and provisions for all children within the State jurisdiction. The State party may also consider establishing a single permanent body to coordinate the implementation of the Convention, including by effectively coordinating activities between central and local authorities.**

#### **National plan of action**

699. The Committee is concerned that there is no comprehensive and well-structured strategy for the implementation of the Convention in the State party.

700. **The Committee recommends that the State party develop - in a participatory way and in consultation with all stakeholders, including children, parents and civil society - a national plan of action for children, which should aim at the implementation 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 provide the budgetary resources necessary for the effective implementation of the plan of action. The State party is invited to provide further information in this respect in its next periodic report.**

#### **Independent monitoring**

701. The Committee notes that the National Institute for Democracy and Human Rights receives complaints from citizens of Turkmenistan, but is concerned about its ineffectiveness and lack of independence. A specialized body responsible for the independent monitoring of the implementation of the Convention in practice is lacking. Furthermore, the Committee is concerned that the ability of this body to obtain redress for the victims is very limited.

702. **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:**

(a) **Establish an independent national human rights institution for the promotion and monitoring of the implementation of the Convention in accordance with the Paris Principles (General Assembly resolution 48/134);**

(b) **Ensure that such a body is provided with adequate financial resources and personnel capable of dealing with complaints filed by children, or on behalf of children, in a child-sensitive and expeditious manner;**

(c) **Ensure that children have effective remedies for the violations of their rights under the Convention;**

(d) **Seek technical assistance from, among others, UNICEF in the establishment of this mechanism.**

### **Resources for children**

703. The Committee is concerned at the scarce information and the lack of transparency on budget allocations for children and for the implementation of the principles and provisions of the Convention. The Committee is further concerned at the information that the improvement in the economic performance and macroeconomic indicators was not reflected in increased budgetary allocations to children's issues.

**704. 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 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". The Committee further recommends that the State party make publicly known how the protection of the rights of children is reflected in budgetary allocations and provide further information in this respect in its next periodic report.**

### **Data collection**

705. While the Committee notes that the National Statistical and Information Institute "Turkmenmillikhasabat" collects data and carries out sociological studies on children's issues, it is concerned at the absence of data in the State party's report on most of the issues covered by the Convention, including children with disabilities, children belonging to ethnic minority groups and children in conflict with the law.

**706. The Committee recommends that the State party develop a system for a comprehensive collection of comparative data on all areas of the Convention in a way that allows for disaggregation and analysis. Particular emphasis should be placed on those groups who are in need of special protection. The Committee further recommends that the State party continue to cooperate with UNICEF in this respect and consider the annual publications of a statistical report on the implementation of the Convention.**

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

707. The Committee welcomes the information that the Convention has been published in Turkmen and that its provisions are regularly explained in the mass media. It also notes that the National Institute for Democracy and Human Rights publishes texts and compilations of international instruments and national laws on the subject of civil rights and freedoms.

**708. The Committee encourages the State party to continue disseminating the Convention, with special attention to vulnerable groups, i.e. ethnic or language minorities, and to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children.**

### **Cooperation with civil society**

709. While the Committee notes the amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations, it is deeply concerned that serious obstacles are still hampering the independent activity of civil society organizations.

**710. The Committee underlines the important role of civil society in contributing to the full implementation of the Convention and recommends that the State party facilitate such activity by removing restrictions to the functioning of independent civil society organizations in the State party.**

### **International cooperation**

**711. The Committee notes that various programmes and projects have been and are being implemented in cooperation with international organizations. In this respect, the Committee recommends that the State party continue to strengthen a broad and open cooperation with the international organizations in order to fully benefit from their presence in the country.**

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

### **Non-discrimination**

712. The Committee is concerned that, inter alia as a result of the “Turkmenization” policy of the State party, discriminatory attitudes and practices exist towards certain national and ethnic minorities such as Russians, Uzbeks, Kazakhs, Turks, Kurds, Beludzhi and Germans. In particular, members of ethnic minority groups are denied a number of fundamental socio-economic rights, such as access to education, employment and the right to own property, as well as the right to enjoy their culture. The Committee is further concerned that children belonging to families of persons condemned on political grounds are often victims of discriminatory and punitive practices, notably in access to education and other services.

**713. In accordance with article 2 of the Convention, the Committee recommends that the State party:**

**(a) Carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities, including the adoption of legislation specifically prohibiting all forms of discrimination and introducing mechanisms of independent monitoring and redress;**

**(b) Strengthen its administrative and judicial measures to prevent and eliminate discriminatory attitudes and stigmatization against certain groups of children, in particular children belonging to ethnic minorities and to families of persons condemned on political grounds;**

**(c) Undertake comprehensive public education campaigns to prevent and combat negative social attitudes and behaviour, including discrimination, based on, inter alia, sex, age, nationality, ethnicity and religion.**

714. The Committee is concerned at the information that, while the ages of marriage is normally set at 16 years, for Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years.

**715. The Committee recommends that the State party eliminate this form of discrimination, by ensuring that all persons below 18 years of age receive the same protection under the Convention and that the age of marriage be the same for all Turkmen citizens, irrespective of the nationality of the future spouse.**

716. 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 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, also taking into account general comment No. 1 on article 29, paragraph 1, of the Convention on the aims of education.

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

717. While the Committee notes that the principle of best interests of the child is included in the State party's legislation, it is concerned that it is not always taken into account in practice, in particular for children belonging to ethnic minorities.

**718. 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 judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

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

719. The Committee notes that the Rights of the Child (Guarantees) Act recognizes the right of children to express their opinion and views freely in all matters affecting them, but is concerned that courts have the discretion to decide whether to admit children to proceedings affecting them.

**720. The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, 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. This general principle should also be reflected in all laws, judicial and administrative decisions, policies and programmes relating to children. In particular, the State party should:**

- (a) Ensure that the child who is capable of forming his/her own views is in practice given the opportunity to express those views freely in all matters, and particularly in any judicial and administrative proceedings affecting him or her; and that the views of the child being given due weight in accordance with his or her age and maturity;**
- (b) Develop community-based skills training programmes for parents, teachers and other professionals working with and for children, in order to encourage children to express their informed views and opinions;**
- (c) Systematically ensure the active participation of children's organizations in the development of national, regional and local policies or programmes affecting them; and**
- (d) Provide further information in this respect in its next report.**

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

#### **Access to appropriate information**

721. The Committee expresses concern about the fact that all sources of information - and media in particular - are subject to Government's control and do not allow for diversity. Furthermore, the Committee, sharing the concerns recently expressed by the Committee on the Elimination of Racial Discrimination, regrets that access to foreign culture and media, including the Internet, is very limited.

722. **The Committee recommends that the State party, in line with articles 13 and 17 of the Convention, ensure the right of the child to access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. The State party should also take steps to expand access to Internet, including by supporting and facilitating projects in this respect such as the UNDP project "InfoTuk", while providing adequate protection from dissemination of illegal content on the Internet, e.g. child pornography.**

#### **Freedom of religion**

723. The Committee is concerned that in Turkmenistan religious organizations encounter difficulties related to the procedure for their registration and face restrictions with respect to the exercise of their activities. The Committee is also concerned at reports of instances of raids on religious meetings and demolition of places of worship.

724. **The Committee recommends that the State party respect the right of the child to freedom of religion. The State party should ensure that all religious organizations are free to exercise their right to freedom of religion or belief subject only to the limitations provided for in article 14 of the Convention. The Committee further recommends that the State party prevent, prohibit and punish any violent attack against religious activities, including demolition of places of worship.**

**Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

725. The Committee is deeply concerned at the information that torture and ill-treatment of detainees, including children, is widespread, especially at the moment of apprehension and during pretrial detention, and used both to extract confessions or information and as an additional punishment after the confession.

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

**(a) Investigate thoroughly all allegations of torture and ill-treatment, in particular within the juvenile justice administration by public officials;**

**(b) Strengthen measures to encourage reporting of instances of torture and ill-treatment and ensure that perpetrators are rapidly brought to justice;**

**(c) Provide the victims of such abuses with physical and psychological recovery and social reintegration and compensation and protect them from stigma and re-victimization;**

**(d) Undertake systematic training programmes and awareness-raising campaigns at the national and local levels, addressed to all professionals working with and for children, in particular teachers, judges, parliamentarians, law-enforcement officials, government administration, local authorities, personnel working in relevant institutions, health personnel, including psychologists and social workers, on prevention and protection against torture and other forms of ill-treatment.**

**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 for children**

727. The Committee, while noting the low rate of institutionalization, is nonetheless concerned at the situation of children placed in alternative care and that many of them are placed in institutions due to the economic difficulties of their families. Furthermore, the Committee is concerned at the lack of resources, including adequately trained professionals in the alternative care system.

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

**(a) Increase its efforts to provide material assistance and support to economically and/or socially disadvantaged children and their families, including through implementing poverty reduction strategies and community development projects with the participation of children, in accordance with article 27 of the Convention;**

**(b) Ensure that poverty as such does not lead to the separation decision and to the out-of-home placement;**

**(c) Provide adequate training to all professionals working in the alternative care system and provide adequate resources to that effect;**

**(d) Provide complaints mechanisms for children in institutions and ensure that they deal with complaints effectively and in a child-sensitive manner;**

**(e) Provide information in its next report on measures taken and results achieved towards returning children in out-of-home care back to their families, when appropriate.**

### **Adoption**

729. The Committee regrets the lack of information on the number and types of adoptions (domestic/intercountry) in the State party and notes that while adoptions are registered at the regional, city and district agencies of tutorship and guardianship under the Ministry of Interior, there is no centralized system for the registration of adoptions.

**730. The Committee recommends that the State party consider setting up a centralized system for the registration of adoptions which would allow the availability of disaggregated data in this respect.**

731. The Committee notes with concern that article 129 of the Marriage and Family Code (providing that a child's adoption be kept secret), in conjunction with article 157 of the Criminal Code (establishing that it is a criminal offence to breach the confidentiality of the adoption against the adoptive parent's wishes), may hamper the right of the child to know his or her parents.

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

**(a) Take the necessary measures to ensure that article 129 of the Marriage and Family Code and article 157 of the Criminal Code do not impede the right of the child to know his or her parents;**

**(b) Ensure that the best interests of the child are paramount consideration in all decisions concerning adoption; and**

**(c) Consider ratifying the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

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

733. The Committee, while welcoming the information that children who have been victims of violence have the right to lodge complaints with State or judicial bodies, regrets that there is lack of information and data on the extent of violence against children in the home, in institutions, in schools and in their communities.

734. **In the light of article 19 of the Convention, and with reference to paragraphs 36 and 37 above, the Committee recommends that the State party:**

**(a) Undertake a comprehensive study on violence in order to assess the extent, the causes, scope and nature of these violations;**

**(b) Strengthen measures to encourage reporting of instances of child abuse in all institutions - including out-of-home placement, orphanages, psychiatric hospitals, schools and juvenile prisons - and to bring the perpetrators of these acts to justice;**

**(c) Provide care, full physical and psychological recovery and social reintegration for children victims of violence.**

735. **In the context of the Secretary-General's in-depth study on the question of violence against children, while the Committee acknowledges with appreciation the State party's participation in the Regional Consultation for Europe and Central Asia, held in Slovenia from 5 to 7 July 2005, it notes that the State party has not responded to the related questionnaire. 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**

736. The Committee, while noting that article 24 (3) of the Rights of the Child (Guarantees) Act seems to prohibit corporal punishment, expresses concern that it is nevertheless a common practice to discipline children.

737. **The Committee recommends that the State party, taking into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, introduce and enforce legislation and procedures explicitly prohibiting all forms of corporal punishment of children in all settings. The State party should also conduct public and professional awareness-raising and education campaigns against corporal punishment and promote non-violent, positive and participatory forms of childrearing and education, including in the home, schools, institutions and in the society.**

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

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

### **Children with disabilities**

738. The Committee notes that there are 18 specialized preschools and 14 residential schools to accommodate children with mental and physical disabilities. It welcomes the fact that medicaments for children with disabilities are paid by the State. However, it is concerned that children with disabilities are over-institutionalized and that there is a lack of disability specialists.

739. **The Committee recommends that the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):**

- (a) Adopt and implement legislation to protect the rights of children with disabilities;**
- (b) Ensure implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**
- (c) Undertake efforts to establish and implement alternative measures to prevent the institutionalization of children with disabilities, including community-based rehabilitation programmes and home-based care;**
- (d) Pursue efforts to ensure that children with disabilities are enabled to exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**
- (e) Undertake greater efforts to make available the qualified professional (i.e. disability specialists) and financial resources necessary, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups;**
- (f) Pursue efforts to combat negative social attitudes towards children with disabilities and to avoid their marginalization and exclusion; and**
- (g) Remove physical barriers to enable effective access of children with disabilities to school and other institutions and public services.**

#### **Health and access to health-care services**

740. The Committee welcomes the free medical care guaranteed to children in the State party, its certification as a polio-free country since 2002 and its recognition as the fourth country in the world to ensure universal salt iodization in accordance with generally accepted international standards. However, it is concerned that the health sector continues to be faced with serious problems affecting the health condition of children. In particular, the Committee expresses concern that:

- (a) According to an independent study conducted in 2004, almost 80 per cent of infant deaths in early and late neonatal period were caused by infections and could have been prevented through simple and cost-effective preventive measures and treatment;
- (b) Maternal mortality, despite recent progress, remains high;
- (c) Official information about the infant mortality rate are inaccurate, partly due to inadequacies in the death registration system;

- (d) Hospitals lack sufficient obstetric supplies and emergency medicines; and
- (e) There is a lack of updated data on the nutritional status of children.

741. **The Committee recommends that the State party strengthen its efforts to improve the health situation of children in the State party, including through:**

- (a) **Ensuring the provision of necessary medical assistance and health care access to all children with emphasis on the development of primary health care;**
- (b) **Urgently addressing the issue of infant and child mortality, especially by focusing on preventive measures and treatment;**
- (c) **Increasing efforts to further reduce maternal mortality throughout the country;**
- (d) **Adopting and implementing a national law on marketing of breast-milk substitutes;**
- (e) **Ensuring that all segments of the society are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, including the advantages of breastfeeding;**
- (f) **Ensuring full implementation of World Health Organization (WHO) standards on registration of infant mortality;**
- (g) **Providing hospitals with sufficient obstetric supplies and emergency medicines; and**
- (h) **Seeking technical assistance, among others, from UNICEF and WHO in this regard.**

#### **HIV/AIDS**

742. While noting the State party's statement that no cases of children with HIV/AIDS have been recorded in Turkmenistan, the Committee is concerned that low levels of knowledge among the general population, especially young people, on the ways in which HIV can be transmitted, lack of means and insufficient skills for protection from HIV infection, along with prevailing unsafe sexual behaviour and injecting practices, increase the risk of an HIV epidemic. Furthermore, the Committee is concerned at information that the skills and capacity to diagnose HIV/AIDS is limited and that there is an underreporting of HIV/AIDS and other infectious diseases.

743. **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 (2003) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):**

- (a) Provide antiretroviral treatment to HIV-positive women and expand the coverage of voluntary HIV tests for pregnant women;**
- (b) Strengthen its measures to expand facilities and medical training for the diagnosis and treatment of HIV/AIDS;**
- (c) Address the issue of underreporting of communicable and infectious diseases, particularly HIV/AIDS and tuberculosis;**
- (d) Strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable and high-risk groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;**
- (e) Adequately implement the National Programme on HIV/STI Prevention in Turkmenistan (2005-2010), including with the necessary funding; and**
- (f) Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.**

#### **Adolescent health**

744. The Committee, while noting the measures taken by the State party in this respect, is concerned at the increasing practice of illicit use of narcotic drugs and psychotropic substances among adolescents. It further notes the scarce information with respect to mental and reproductive health services available in the State party.

745. **The Committee recommends that the State party, taking into account its general comment No. 4 on adolescent health and development (2003):**

- (a) Undertake a study on adolescent health with a view to developing a comprehensive adolescent health policy addressing in particular drug addiction;**
- (b) Provide adequate mental health services to children addicted to illegal drugs, including medical rehabilitation centres, other appropriate structures and support services to families;**
- (c) Develop health promotion programmes for adolescents and pay particular attention to adequate updated treatment of adolescents with mental problems and seek assistance in this respect from, among others, WHO;**
- (d) Train teachers, social workers and others working with children on how to address drug abuse and other adolescent health issues in a manner that is child-sensitive; and**
- (e) Provide information in its next periodic report on mental and reproductive health services available to adolescents.**

### **Standard of living**

746. The Committee notes the information that, since 1993, the Government has provided its citizens with free gas, electricity, water and table salt, and that this free provision has been extended until 2020. However, the Committee is concerned that, partly due to an unequal distribution of wealth in the country, a considerable number of families live at the edge of poverty and that only 55 per cent of the population has access to safe drinking water, while in rural areas the number decreases to 24 per cent.

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

(a) **Take the necessary measures to develop an effective policy for the reduction of poverty, including by reducing inequalities in the distribution of wealth;**

(b) **Provide support and material assistance to economically disadvantaged families; and**

(c) **Increase its effort to provide adequate water sanitation and access to potable water throughout the country, in particular in rural areas.**

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

748. The Committee is concerned at information that the educational system of Turkmenistan has deteriorated over the past few years. In particular, it is concerned that:

(a) The reform of education reduced compulsory education from 10 to 9 years;

(b) Children attend school for an average of 150 days per year compared to the international standard of 180, partly due to the fact that schoolchildren often work in cotton fields;

(c) A large part of the school programme is devoted to the teaching of “Rukhnama”, a “spiritual guide” written by the President;

(d) Only 20 per cent of children have an opportunity for early childhood education through preschools;

(e) Class sizes are increasing rapidly, facilities are deteriorating and funds for textbooks and supplies are decreasing;

(f) Teachers are often forced to work in cotton fields and school premises may be used for cotton industry;

(g) A significant number of teachers is not adequately trained nor paid; and

(h) Students belonging to ethnic minorities, notably Kazakh, Uzbek, Armenian and Russian children, have increasingly limited possibilities to study and receive education in their mother tongue, despite legislative provisions in this respect.

749. **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, and in particular that it:**

(a) **Take the necessary measures to improve the quality of education, including by improving school curricula with a view to meet international standards of education;**

(b) **Take measures to progressively extend the duration of compulsory education;**

(c) **Increase the number of school days to 180 in order to bring it in line with international standards and ensure that the prohibition of the involvement of children in cotton harvesting is effectively implemented;**

(d) **Reopen Kazakh-, Uzbek-, Armenian- and Russian-language classes and schools for children of ethnic minorities;**

(e) **Invest in training teachers, improve their remuneration and ensure that teachers are totally devoted to their school duties and do not perform any other task during school hours;**

(f) **Invest in the improvement of schools' facilities, textbooks and other supplies;**

(g) **Strengthen its efforts to include human rights in general, and the rights of the child in particular, into the school curricula;**

(h) **Increase availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market; and**

(i) **Seek further assistance from, inter alia, UNICEF and UNESCO.**

#### **7. Special protection measures**

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

#### **Refugee and displaced children**

750. The Committee welcomes the fact that, in 2005, over 10,000 Tajik refugees have been granted Turkmen nationality. However, the Committee is concerned that children may be seriously affected by the fact that, as of 2001, forced resettlement became part of the Criminal Code of Turkmenistan and is used as a punishment for certain crimes. Furthermore, the Committee is also concerned about the information of forced displacement of ethnic minorities, including children.

751. **The Committee recommends that the State party urgently act to abolish forced resettlement as a punishment for certain crimes and put an end to its policy of forced displacement of ethnic minorities.**

### **Economic exploitation**

752. The Committee welcomes the fact that the President issued a decree against child labour and specifically condemned the use of children for cotton harvesting as well as the recent legislation which forbids sending schoolchildren to harvest cotton. However, the Committee is concerned that this practice is still widespread and that child labour laws are not effectively enforced.

753. **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 implementation of the recent law prohibiting child labour in cotton fields;**

(c) **Ratify ILO Conventions Nos. 138 (1973) and 182 (1999) and seek assistance from the International Programme on the Elimination of Child Labour (ILO/IPEC) and UNICEF in this regard.**

### **Street children**

754. The Committee is concerned at the lack of information from the State party on the existence of street children, and that other information indicates that their number may have increased in the last years.

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

(a) **Undertake a study on the extent of this situation, and use the outcome of this study to establish a comprehensive strategy to prevent and reduce the number of street children;**

(b) **Ensure that street children are provided with adequate nutrition, clothing, housing, health care and education opportunities, including vocational and life-skills training to support their full development;**

(c) **Promote and implement programmes aimed at their physical and psychological recovery and social reintegration; and**

(d) **Facilitate, whenever possible, reunification with their families.**

### **Trafficking**

756. The Committee is concerned that the law does not expressly prohibit trafficking in persons. Furthermore, while noting that the extent of the problem of trafficking is not very high in the State party in comparison with other countries of the region, it is concerned at the information that girls from minority ethnic groups are more likely to be victim of trafficking as fewer educational or employment opportunities exist for them.

757. **In the 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 provisions criminalizing trafficking in national legislation in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000;**
- (b) Undertaking studies to assess the nature and magnitude of the problem;**
- (c) Providing adequate and systematic training to all professional groups concerned, including police, border guards, etc.;**
- (d) Providing psychological counselling and other recovery services to victims;**
- (e) Launching awareness-raising and prevention campaigns targeting in particular children and parents; and**
- (f) Seeking assistance from UNICEF, among others.**

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

758. The Committee is concerned at the lack of information in relation to juvenile justice. Furthermore, the Committee is concerned that:

- (a) Persons below 18 years of age are subject to the same criminal procedure as adults;
- (b) Children may be held in remand pending investigation up to six months;
- (c) There is only one institution for persons under 18 in conflict with the law which in practice are not always separated from adults;
- (d) Conditions of detention are inadequate;
- (e) Confessions are often extracted by force and used as evidence in court (see also paragraph 36 above); and
- (f) Deprivation of liberty is not always used as a measure of last resort.

759. **The Committee recommends that the State party fully bring the system of juvenile justice 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) Take all necessary measures to ensure that persons below 18 years of age are only deprived of liberty as a last resort and when in custody are in any case separated from adults;
- (b) Ensure that specific procedures be established for all persons under 18 in accordance with article 40 and other related articles of the Convention;
- (c) Take urgent steps to substantially improve the conditions of detention of persons under 18 deprived of their liberty in conformity with international standards;
- (d) Ensure that any statement which is established to have been made as a result of violence and or coercion would be qualified by law as inadmissible evidence in any proceedings;
- (e) Provide that persons below 18 years of age 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
- (g) Seek technical assistance from the United Nations Inter-agency Panel on Juvenile Justice and UNICEF in particular.

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

760. While welcoming the ratification of the two Optional Protocols to the Convention, the Committee reminds the State party of its reporting obligations and invites it to submit both initial reports at the same time in order to facilitate the Committee's consideration.

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

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

761. 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 People's Council, the Parliament, and to district and municipal people's councils, for appropriate consideration and further action.

##### **Dissemination**

762. The Committee further recommends that the initial report submitted by the State party and the present recommendations (concluding observations) adopted be made widely available in appropriate languages 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**

763. **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. 19 October 2010. This report should combine the second, 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: Belgium**

764. The Committee considered the initial report of Belgium (CRC/C/OPAC/BEL/1) at its 1123rd meeting held on 15 May 2006 without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

#### **A. Introduction**

765. The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/BEL/Q/1), which provide detailed information on the legislative, administrative, judicial and other measures applicable in Belgium in respect of the rights guaranteed by the Optional Protocol.

766. 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 7 June 2002 (CRC/C/15/Add.178).

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

767. The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years and that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement.

768. The Committee welcomes the amendment of the Criminal Code in 2003 (art. 136 quater, para. 1, point 7), which defines the recruitment of children under the age of 15 into the armed forces or armed groups, as well as the act of actively involving children under age 15 in hostilities, as war crimes.

769. The Committee notes with appreciation the State party's development cooperation policy, which prioritizes the prevention of the involvement of children in armed conflict.

770. The Committee also notes with appreciation that the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the European Union's General Affairs and External Relations Council in December 2003.

## C. Principal areas of concern and recommendations

### 1. General measures of implementation

#### National plan of action

771. The Committee welcomes the adoption of the national plan of action for children on 24 June 2005 as a follow-up to the outcome document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002, and notes that the issue of children involved in armed conflict is included in the plan of action (Chap. 7).

**772. The Committee recommends that the State party take concrete action to implement, in consultation and cooperation with relevant partners, including civil society, the national plan of action for children, and that it provide a specific budget allocation and adequate follow-up mechanisms for the plan’s full implementation.**

#### Legislation

773. While noting that conscription has been suspended since 1992 in the State party, the Committee is concerned at the fact that the law governing the conscripts, which has not been repealed, allows for the recruitment of militiamen from January of the year in which they reach the age of 17, especially during wartime.

**774. The Committee recommends that the State party repeal all laws that allow the recruitment of persons under the age of 18 into the armed forces in time of war.**

775. The Committee regrets that the Act of 5 August 2003 has limited extraterritorial jurisdiction in cases of serious violation of international humanitarian law, but it welcomes the fact that children who have been recruited into national armed forces or have been used for active participation in hostilities while they were under the age of 15 can obtain direct access to Belgian courts if there is a link between Belgium and the crime. However, the Committee is concerned that these provisions do not provide for the protection of other forms of recruitment into armed forces or groups involving them in hostilities.

**776. In order to strengthen the national and international measures for the prevention of the recruitment of children into the armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

(a) Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;

(b) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and

**(c) Stipulate in legislation that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect.**

### **Dissemination and training**

777. While noting with appreciation the unique television advertisement on the impact of war on children by the Belgian National Committee for UNICEF and the training activities and campaigns of the Belgian Red Cross on the status and rights of children involved in armed conflict, the Committee is concerned that the State party's dissemination and training activities regarding the Optional Protocol are generally limited to the armed forces and military training.

**778. The Committee recommends that the State party continue to provide the armed forces with training activities on the Optional Protocol. It also recommends that the State party develop systematic awareness-raising, education and training programmes in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.**

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

### **Measures of social reintegration**

779. The Committee notes that the State party is a country of destination for asylum-seeking and migrant children coming from conflict areas. In light of the fact that many of these children may have been victims of traumatic experiences, the Committee notes with appreciation that the Belgian Red Cross, in collaboration with the Federal Agency for the Reception of Asylum-Seekers (Fedasil), provides psychological and social assistance to asylum-seeking children who have fled armed conflict.

780. The Committee regrets the lack of information on specific integration programmes or activities for former child soldiers and the lack of systematic data collection on asylum-seekers under the age of 18 who were involved in armed conflict. While noting that non-accompanied asylum-seeking minors are interviewed by volunteers who attend occasional courses on the trauma experienced by children in exile and on special techniques for interviewing children, the Committee is concerned about the resources of the State party to identify children who have been involved in armed conflict and are in need of immediate care and assistance.

**781. The Committee recommends that the State party pay special attention to asylum-seeking, refugee and migrant children in Belgium who may have been involved in or affected by armed conflict by strengthening its efforts:**

**(a) To identify these children at the earliest possible stage;**

**(b) To provide them with culturally sensitive multidisciplinary assistance for their physical and psychological recovery and their social reintegration;**

(c) **To systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been victims of hostilities in their home country; and**

(d) **To regularly train authorities working for and with asylum-seeking and migrant children who may have been victims of hostilities in their home country.**

782. **The Committee also 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. The Committee requests that the State party provide information on social reintegration programmes in its next periodic report.**

### **3. International assistance and cooperation**

#### **Protection of victims**

783. While noting with appreciation the State party's efforts to work towards the prohibition of light weapons usable by child soldiers at the international level, for example, by banning the trade of war materiel to countries "where it has been established that child soldiers are aligned with the regular army" (based on the 2003 amendment to the law on small arms trade), the Committee is concerned that this provision applies only to child soldiers under the age of 16. As regards the international trade in small arms and light weapons, the Committee notes that the manufacture and exportation of these weapons occurs within the State party.

784. **The Committee recommends that the State party review its domestic law on small arms trade with a view to abolishing a trade on war materiel with countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State. In this respect, the Committee invites the State party to indicate, in its next report, the number of sales that were halted as a result of the implementation of the amended law on small arms trade.**

#### **Financial and other assistance**

785. The Committee notes with appreciation the State party's cooperation at the multilateral level in addressing the issue of children in armed conflict, including the financial support to the United Nations specialized agencies. It is also encouraged by the State party's bilateral activities in this field.

786. **The Committee recommends that the State party continue and strengthen its bilateral and multilateral activities to address the issue of the involvement of children in armed conflict, with a particular focus on preventive work.**

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

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

787. **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 Council of Ministers, the Parliament (the Senate and the Chamber of Deputies), and to Provincial Governments and Parliaments, when applicable, for appropriate consideration and further action.**

##### **Dissemination**

788. **The Committee recommends that the initial report submitted by the State party and these concluding observations adopted by the Committee be made available to children and their parents in all spoken languages of the State party through, inter alia, school curricula and human rights education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and its monitoring.**

##### **D. Next report**

789. **In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, which is due on 15 July 2007.**

##### **Concluding observations: Turkey**

790. The Committee considered the initial report of Turkey (CRC/C/OPSC/TUR/1) at its 1129th meeting (see CRC/C/SR.1129), held on 17 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

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

791. The Committee welcomes the submission of the State party's initial comprehensive report and its timely and comprehensive response to the list of issues (CRC/C/OPSC/TUR/Q/1). The Committee appreciates the frank and constructive dialogue held with the delegation.

792. 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 8 June 2001 contained in CRC/C/15/Add.152.

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

793. The Committee notes with appreciation:

(a) The amendments to the Penal Code (Act No. 5237) and the Criminal Procedure Code (Act. No. 5271), which entered into force on 1 June 2005;

(b) The Child Protection Law (Act No. 5395), which entered into force on 3 July 2005, aimed at integrating international standards into the procedures and principles regarding children in the need of protection;

(c) The designation of the General Directorate of Social Services and Child Protection Agency as the Coordination Organization responsible for the monitoring and implementation of the provisions and principles of the Convention of the Rights of the Child, and thus also its Optional Protocol;

(d) The establishment of a National Task Force to Combat Trafficking in Human Beings, and the adoption of a National Plan of Action adopted in 2003;

(e) The amendments to the Constitution allowing for direct application of the Optional Protocol to domestic legislation;

(f) Training activities undertaken by the State party in order to enhance the awareness of the issues covered by the Optional Protocol.

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

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

##### **Coordination and monitoring of the implementation of the Optional Protocol**

794. While noting the role of the General Directorate of Social Services and Child Protection Agency as the Coordinating Organization, and as having the responsibility of the monitoring and implementation of the provisions and principles of the Optional Protocol, the Committee remains concerned that the coordination and monitoring activities undertaken are insufficient.

**795. The Committee encourages the State party to strengthen the coordination and monitoring activities, at both central and local levels, in order to create a systematic and coherent approach to address the issues covered by the Optional Protocol, and to use such coordination also for strategy and policy development.**

##### **National plan of action and budget**

796. The Committee welcomes the National Plan of Action on Combating Trafficking in Human Beings, but remains concerned that this Plan does not cover all issues referred to in the Optional Protocol, and that there is no specific Plan of Action on sale of children, child prostitution and child pornography.

**797. The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including the civil society, a national plan of action on the issues referred to in the Optional Protocol, including activities with regard to prevention and rehabilitation.**

798. The Committee also welcomes the existence of a National Plan of Action for the use of the Internet 2005-2015 and a draft law on cybercrime, but lacks information regarding the implementation of and measures foreseen in this plan for the prevention of dissemination of child pornography via the Internet.

**799. The Committee recommends that the State party provide specific information in its next report about the implementation of the National Plan of Action for the use of the Internet, in particular its impact on the prevention of dissemination of and access to child pornography, and about progress made in the adoption and implementation of the draft law on cybercrime.**

800. While noting the information provided on budgetary techniques and resource allocation, the Committee is concerned that the Plan of Action on Combating Trafficking in Human Beings lacks direct budgetary allocations for its implementation, and that therefore the implementation of this Plan depends on allocations of the necessary financial resources, if they are available, from budgets of different State institutions.

**801. The Committee encourages the State party to provide this Plan of Action with its own budget and that it be adequate for the implementation of activities under this Plan, and to make every effort to ensure that future plans of action also will be provided with their own budgets.**

#### **Dissemination and training**

802. While noting the efforts to organize training activities for numerous professional groups, the Committee is concerned that awareness-raising efforts about the issues referred to in the Optional Protocol, both to the public and to State officials and sectors of the public administration such as security, social services, education and health, remain insufficient.

**803. The Committee recommends that further resources be dedicated to awareness campaigns and also to the development of training materials and training courses, with a view of establishing systematic training programmes for civil servants responsible for 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.**

#### **Data collection**

804. While appreciating the information in the State party's responses to the list of issues on the number of child victims of human trafficking, the Committee remains concerned about the lack of information on the actual situation and the practical implementation of all issues referred to in the Optional Protocol, i.e. through disaggregated data (according to age, sex and minority group) and research on the prevalence of the sale of children, child prostitution and child pornography throughout the country.

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

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

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

806. The Committee notes that provisions on the sale of children, child prostitution and child pornography have been recognized and included in the Penal Code and that the amendments to the Penal Code of 2005 provide for, inter alia, more effective sanctions and more elaborated aggravating circumstances with respect to crimes related to the sale of children, child prostitution and child pornography. However, the Committee notes that some remaining gaps have been identified in the national normative framework, in particular those regarding, as underlined by the State party, child pornography on the Internet.

807. **The Committee encourages the State party to consider amending existing legislation and/or adopting specific legislation, to strengthen the provisions regarding crimes on the Internet as to also include direct references to child pornography.**

808. **The Committee urges the State party to strengthen the legislative framework by the ratification of the Council of Europe Convention on Cybercrime, 2001 and the Convention on Action against Trafficking in Human Beings, 2005.**

### **Implementation of new laws**

809. The Committee notes the amendments to the Penal Code and the Criminal Procedure Code that strengthened the legal framework regarding offences referred to in the Optional Protocol. To that end, the Committee requests that the State party provide in its next report an evaluation of the implementation and use of the strengthened legislation with regard to the sale of children, child prostitution and child pornography, including the measures taken to review the provisions mentioned in paragraphs 17 and 18 above.

## **3. Protection of the rights of child victims**

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

810. The Committee is concerned at the reported increase of cases of sexual exploitation of children. The Committee is also concerned that there is no inclusive information available and neither systematic monitoring nor complaints mechanisms in place as such thus making the reasons and extent of the root causes and ensuing problems difficult to address.

811. **The Committee recommends that the State party take all necessary measures to ensure effective monitoring and the presence of an independent complaints mechanism in order to effectively address all issues covered by the Optional Protocol. With respect to complaints, such mechanisms should also be easily accessible to children.**

812. The Committee notes the new Child Protection Law (Act. No 5395), which entered into force in July 2005, and thus the efforts made by the State party to address the concerns identified regarding the legal framework around children involved in criminal procedures.

**813. The Committee encourages the State party to take all necessary measures to ensure the implementation of the new Child Protection Law and to ensure that the rights and interests of the child victims of offences prohibited under the Optional Protocol are protected at all stages of the criminal justice process. In this respect, the State party should be guided by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).**

814. The Committee notes the information in the State party report on the services, provided by a number of different service providers, available to child victims of offences prohibited under the Optional Protocol. The Committee is, however, concerned that these services may not always be provided in a systematic and all inclusive manner throughout the country, nor is it clear to the Committee who is responsible for such services and what regulations are guiding the service providers.

**815. The Committee requests that the State party provide in its next report more detailed information on such services, including free legal aid, medical and qualified psychological attention, access to shelter or temporary residence, etc., as well as on which governmental institution is responsible for such services, and on modalities for cooperation with non-governmental organizations (NGOs) in this respect.**

816. The Committee also encourages the State party to seek means to expand the services of the helpline of the General Directorate of Social Services and the Child Protection Agency in order to reach out to marginalized communities and rural areas. In this regard, the Committee further encourages the State party to collaborate with NGOs and the telecom services.

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

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

817. The Committee is concerned about the lack of public discussion on the issues of the sale of children, child prostitution and child pornography, and that the awareness regarding these issues among the public at large is still very limited.

**818. The Committee encourages the State party to undertake all necessary measures, including awareness-raising campaigns, in collaboration with the civil society, in order to sensitize the general public as a whole on the issues referred to in the Optional Protocol, and in particular to undertake further preventive measures adapted and focused on children and to pay special attention in this regard to children from vulnerable groups.**

819. While noting the establishment of the Psychosocial Prevention, Protection and Response Unit and its Teams throughout the country, in order to enhance psychosocial prevention and protection in situations of, inter alia, exploitation, violence and abuse, and the Urgent Action

Plan of the Government, which includes actions to be taken for the prevention of child labour, the Committee is concerned about the lack of information with regard to the impact of these activities.

**820. The Committee recommends the State party provide specific and disaggregated information on the activities and services of the Unit and the Teams mentioned above and on the implementation of the Urgent Action Plan, specifically actions taken under this plan to prevent and combat child prostitution and other forms of sexual exploitation.**

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

##### **Law enforcement**

821. The Committee notes the State party's efforts to strengthen its cooperation with various international and regional intergovernmental and non-governmental organizations covering various aspects of the Convention on the Rights of the Child. The Committee regrets, however, the lack of information on regional and, in particular bilateral, arrangements, for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving offences referred to in the present Optional Protocol.

**822. The Committee encourages the State party to engage further in regional and bilateral judicial and police cooperation, in training and in awareness-raising activities in relation to the sale of children, child prostitution and child pornography, and to provide more detailed information in this respect in the next report.**

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

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

**823. 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**

**824. 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 (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 its monitoring.**

## **F. Next report**

825. In accordance with article 12, paragraph 2, 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.

## **Concluding observations: Czech Republic**

826. The Committee considered the initial report of the Czech Republic (CRC/C/OPAC/CZE/1) at its 1128th meeting, held on 17 May 2006, without the presence of a delegation of the State party which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

### **A. Introduction**

827. The Committee welcomes the submission of the State party's initial report and the reply to the list of issues (CRC/C/OPAC/CZE/Q/1), which give detailed information on the legislative, administrative, judicial and other measures applicable in the Czech Republic regarding the rights contained in the Optional Protocol.

828. 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 31 January 2003, contained in CRC/C/15/Add.201.

### **B. Positive aspects**

829. The Committee notes with appreciation:

(a) The State party's declaration made upon the ratification of the Optional Protocol, that the minimum age for voluntary recruitment into the armed forces of the Czech Republic is 18 years; and

(b) That the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the European Union's General Affairs and External Relations Council in December 2003.

830. The Committee also wishes to welcome:

(a) The ratification of the International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 19 June 2001; and

(b) The provision in the Czech Constitution, article 10, that international treaties take precedence over national legislation.

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

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

#### **Legislation**

831. The Committee welcomes the information in the written replies to the list of issues indicating that the State party has included in the draft Criminal Code provisions that make the recruitment of children into armed forces in times of war or armed conflict a crime that is subject to universality. Nevertheless, the Committee is concerned about the current absence of an explicit criminalization of involvement of children in hostilities and the possible limitations to the criminalization of recruitment.

832. **The Committee recommends that the State party strengthen the provisions in the draft Criminal Code so that criminalization of the recruitment of children in armed forces is not limited to recruitment in times of war or armed conflict. In addition, the Committee recommends that the involvement of children in hostilities (including activities facilitating or even promoting such involvement) is explicitly made a crime subject to the principle of universality. Furthermore, the Committee encourages the State party to ratify the Statute of the International Criminal Court.**

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

833. **With reference to paragraph 13 of the concluding observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.201), the Committee recommends that the State party include in its coordinating activities the appropriate and effective coordination and regular evaluation of the implementation of the Optional Protocol.**

#### **National plan of action**

834. **The Committee reiterates its recommendation in paragraph 15 of the concluding observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.201) and encourages the State party to strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children as a follow-up to the outcome document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002, and to include in this plan a specific programme for the protection of children affected by armed conflict.**

#### **Dissemination and training**

835. The Committee is concerned that the State party’s dissemination and training activities regarding the Optional Protocol are limited to the armed forces.

836. **The Committee recommends that the State party develop systematic awareness-raising, education and training on the provisions of the Optional Protocol for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict, e.g. teachers, medical professionals, lawyers, judges and military personnel.**

#### **Budget allocations**

837. The Committee is concerned that the budget necessary for the implementation of the Optional Protocol, in particular for the provision of assistance for the physical and psychological recovery and the social reintegration of children who have been involved in hostilities, as contained in article 6, paragraph 3, has not been allocated.

838. **The Committee recommends that the State party allocate appropriate financial and human resources for the full implementation of the Optional Protocol.**

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

#### **Role of military schools**

839. The Committee notes that a significant number of children attend army and police secondary schools, and is concerned at the lack of information on complaints mechanisms available for children attending army and police schools.

840. **The Committee recommends that the State party ensure that all children attending army and police schools receive education in a manner consistent with the Convention, in particular with its articles 28 and 29, duly taking into account its general comment No. 1 on the aims of education. Furthermore, the Committee recommends that children attending such schools have direct access to independent complaints and investigation mechanisms.**

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

#### **Measures of rehabilitation and social reintegration**

841. The Committee notes with appreciation that the State party is reviving its policies regarding physical and psychosocial recovery and social reintegration for refugee, asylum-seeking and migrant children from countries affected by conflict, the Committee remains concerned, however, that current institutional arrangements remain insufficient.

842. **The Committee recommends that the State party adopt and implement a policy that adequately takes into account the needs of refugee, asylum-seeking and migrant children from countries affected by conflict. In particular, the Committee recommends that the State party provide specific accommodation facilities designed for children. 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, as well as paragraph 57 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.201).

#### **4. International assistance and cooperation**

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

843. The Committee requests that the State party submit further information on international assistance provided for children affected by armed conflict.

844. While taking note of the fact that manufacture and export of small arms and light weapons occur in the State party, the Committee recommends that the State party review its domestic law with a view to abolish trade of small arms and light weapons with countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State. In this respect, the Committee invites the State party to indicate, in its next periodic report, the number of sales that were halted as a result of the implementation of the amended law on small arms trade.

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

845. The Committee recommends that the State party make the Optional Protocol widely known to the public at large, in particular to children and their parents, through, inter alia, school curricula and human rights education.

846. Additionally, in the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and the 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 its monitoring.

#### **D. Next report**

847. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, for which the date of submission has been set to 30 June 2008 (see paragraph 71 of the concluding observations of the second periodic report, CRC/C/15/Add.201).

### **IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES**

848. 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:

- NGO Group for the Convention on the Rights of the Child, Sub-Group on Child Labour;
- 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;
- NGO Group for the Convention on the Rights of the Child, Sub-Group on Children and Violence;
- Save the Children Alliance, to introduce the Global Challenge on Education for Children affected by armed conflict;
- Save the Children Alliance, to introduce the Handbook on Child Rights Programming;
- The independent expert, Paulo Sergio Pinheiro, leading the Secretary-General's study on violence against children;
- ILO/IPEC for a presentation of the ILO Global Report on Child Labour;
- NGO Group for the Convention on the Rights of the Child to discuss ongoing cooperation, working methods related to the two chambers and issues related to treaty body reform;
- UNICEF Global Policy Section for a presentation of the report on the usefulness of the Committee's concluding observations; and
- UNICEF, the NGO Group for the Convention on the Rights of the Child and the ISS/IRC to discuss the draft United Nations guidelines for the protection and alternative care of children without parental care.

## **V. METHODS OF WORK OF THE COMMITTEE**

849. At its 1157th meeting, held on 2 June 2006, the Committee 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 as well as issues related to the day of general discussion.

## **VI. GENERAL COMMENTS**

850. The Committee discussed the progress of drafts of its four forthcoming general comments on: corporal punishment; juvenile justice; the rights of indigenous children; and the rights of children with disabilities.

851. The Committee adopted general comment No. 8 (2006) on the rights of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

## **VII. FUTURE MEETINGS**

852. The following is the draft provisional agenda for the forty-third 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. Day of general discussion
8. General comments.
9. Future meetings.
10. Other matters.

## **VIII. OTHER MATTERS**

853. At its 1157th meeting, held on 2 June 2006, the Committee considered the draft report on its forty-second 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

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\* Term expires on 28 February 2007.

\*\* Term expires on 28 February 2009.