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Forty-third session
11-29 September 2006

REPORT ON THE FORTY-THIRD SESSION

(Geneva, 11-29 September 2006)

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 29 September 2006, the closing date of the forty-third session of the Committee on the Rights of the Child, there were 192 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in its resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. An updated list of States that have signed, ratified or acceded to the Convention is available at www.ohchr.org and <http://untreaty.un.org>.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 110 States parties and signed by 122 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 110 States parties and signed by 115 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 and <http://untreaty.un.org>.

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

B. Opening and duration of the session

4. The Committee on the Rights of the Child held its forty-third session at the United Nations Office at Geneva from 11 to 29 September 2006. The Committee held 42 meetings. An account of the Committee's deliberations at its forty-third session is contained in the relevant summary records (see CRC/C/SR.1158 to SR.1199).

C. Membership and attendance

5. All the members of the Committee attended the forty-third session. A list of members, together with an indication of the duration of their terms of office, is provided in annex I to the present report. The following members were not able to attend the session in its entirety: Ms. Al-Thani (11–15 September 2006); Mr. Doek (13 September 2006); Ms. Khattab (21, 22 and 25, 26 September 2006); Mr. Kotrane (25–27 September 2006); Mr. Parfitt (27–29 September); Mr. Siddiqui (25–29 September); Ms. Smith (15 and 22 September 2006).

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

7. The following specialized agencies were also represented at the session: International Labour Organization (ILO), World Health Organization (WHO).

8. Representatives of the following non-governmental organizations also attended the session: (to be completed)

General consultative status

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

Special consultative status

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

Others

NGO Group for the Convention on the Rights of the Child, Geneva Institute for Human Rights (GIHR), International Baby Food Action Network.

D. Agenda

9. At its 1158th meeting, on 11 September 2006, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/43/1):

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. Day of General Discussion.
9. Future meetings.
10. Other matters.

E. Pre-sessional working group

10. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 6 to 9 June 2006. Representatives of OHCHR, ILO, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNHCR and WHO also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives from various national and international non-governmental organizations, also attended.

11. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

12. Mr. Jakob Egbert Doek and Ms. Moushira Khattab chaired the two chambers of the pre-sessional working group, which held 14 meetings, at which it examined lists of issues put before it by members of the Committee relating to the initial reports of four countries (Kiribati, Republic of Congo, Samoa, Swaziland); second periodic reports of four countries (Benin, Ireland, Oman and Senegal) and two third periodic reports (Ethiopia and Jordan), the initial reports submitted to the Committee on the Optional Protocol on the involvement of children in armed conflict (Kazakhstan, Malta), and on the Optional Protocol on the sale of children, child prostitution and child pornography (Denmark and Syrian Arab Republic) and Viet Nam for both Optional Protocols. The lists of issues were transmitted to the Permanent Missions of the States concerned with a note requesting written answers to the issues raised in the list, if possible before 5 August 2006.

F. Organization of work

13. The Committee considered the organization of its work at its 1158th meeting, held on 11 September 2006. The Committee had before it the draft programme of work for the forty-third session, prepared by the Secretary-General in consultation with the Chairperson of the Committee.

G. Future regular meetings

14. The Committee decided that its forty-fourth session would take place from 15 January to 2 February 2007 and that its pre-sessional working group for the forty-fifth session would meet from 5 to 9 February 2007.

II. REPORTS SUBMITTED BY STATES PARTIES

15. The Committee had before it the note by the Secretary-General on States parties to the Convention and status of the submission of reports (CRC/C/43/2).

16. The Committee was informed that between its forty-second and forty-third sessions, the Secretary-General had received the second periodic reports of Sierra Leone and Slovakia and the combined second and third periodic report of Kazakhstan. During the session the Committee also received the second periodic report of Uruguay.

17. The Committee was also informed that the following initial reports under the Optional Protocol on the involvement of children in armed conflict had been received: Guatemala, Lithuania and Luxembourg.

18. It was also informed that the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography from Guatemala had been received.

19. During the session the Committee also received the following initial reports under both Optional Protocols: France and Spain.

20. As at 29 September 2006, the Committee had received 191 initial reports, 104 second periodic reports and 20 third periodic reports. A total of 299 reports have been considered by the Committee. The Committee further received 20 initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography and 26 under the Optional Protocol on the involvement of children in armed conflict. To date, the Committee considered 15 initial reports under the Optional Protocol on the involvement of children in armed conflict and 12 under the Optional Protocol on the sale of children, child prostitution and child pornography.

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

22. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its forty-third session: Benin (CRC/C/BEN/2); Ethiopia (CRC/C/129/Add.8); Oman (CRC/C/149/Add.1); Senegal (CRC/C/SEN/2); Jordan (CRC/C/JOR/3); Ireland (CRC/C/IRL/2); Republic of Congo (CRC/C/COG/1); Kiribati (CRC/C/KIR/1); Denmark (CRC/C/OPSC/DNK/1); Syrian Arab Republic (CRC/C/OPSC/SYR/1); Samoa (CRC/C/WSM/1); Viet Nam (CRC/C/OPSC/VNM/1 and CRC/C/OPAC/VNM/1); Malta (CRC/C/OPAC/MLT/1); Kazakhstan (CRC/C/OPAC/KAZ/1); Swaziland (CRC/C/SWZ/1).

23. 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 may have the option of a technical review if they are reporting under the Optional Protocol to the convention on the involvement of children in armed conflict. This possibility was used by Malta.

24. 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: Kazakhstan

25. The Committee considered the initial report of Kazakhstan (CRC/C/OPAC/KAZ/1) at its 1159th meeting (see CRC/C/SR.1159) held on 11 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

26. The Committee welcomes the submission of the State party's initial report and the timely submission of written replies to the list of issues. The Committee also appreciated the presence of a cross-sectional delegation and the informative dialogue it had with the delegation.

27. 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 periodic report (CRC/C/15/Add.213) on 6 June 2003.

B. Positive aspects

28. The Committee notes with appreciation the State party's declaration made upon the ratification of the Optional Protocol on the involvement of children in armed conflict that the minimum age for voluntary recruitment into the armed forces of Kazakhstan is 19 years.

29. The Committee also wishes to welcome the ratification by Kazakhstan of the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 26 February 2003.

C. Principal areas of concern and recommendations

1. General measures of implementation

Legislation and implementation measures

30. The Committee notes that article 162 of the Criminal Code makes the recruitment and use of mercenaries a crime and that article 7 of the Criminal Code provides for certain extraterritorial jurisdiction. However, the Committee is concerned that there is no specific provision criminalizing the recruitment of children below the age of 18, nor a specific provision providing extraterritorial jurisdiction in case of recruitment of a Kazakh child outside the country, or recruitment of children by a Kazakh citizen outside Kazakhstan.

31. **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.

32. Furthermore, given the important contribution it can provide in particular for the prevention and elimination of recruitment of children below the age of 15, the Committee recommends that the State party ratify the Statute of the International Criminal Court.

Coordination and evaluation of the implementation of the Optional Protocol

33. The Committee is concerned at the lack of coordination of the activities for the implementation of the Optional Protocol, in particular in the area of rehabilitation and reintegration of child victims of armed conflict who have sought refuge in Kazakhstan.

34. The Committee recommends that the State party mandate a specific body, e.g. the Commission on the Protection of the Rights of Children, with the coordinating role and provide information on its activities in this regards in the next report.

Dissemination and training

35. The Committee welcomes the activities meant to inform students in military schools of their rights, inter alia, via teacher training, but is concerned at the limited information on the content of these trainings and courses and at the lack of information about awareness-raising activities among professionals working with refugee, asylum-seeking and migrant children who have been victims of armed conflict.

36. 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, for example, teachers, medical professionals, lawyers, judges and military personnel. The Committee recommends that the State party provide more specific information about the teaching in military schools on human rights, specifically the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, in its next report.

2. Recruitment of children

Compulsory recruitment

37. The Committee welcomes the rule that mandatory recruitment starts at the age of 18 and the information indicating that no derogation from this rule is accepted.

Role of military schools

38. In the light of the information that students of military schools do receive, in addition to the regular school curriculum, specific training on military issues, including special physical training and arms instruction, the Committee is concerned at the lack of independent mechanisms to deal with possible complaints by the students.

39. **The Committee recommends that children attending military schools have adequate access to independent complaints and investigation mechanisms.**

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

Measures of social reintegration

40. In the light of the fact that the State party is a country of destination for asylum-seeking, refugee and migrant children coming from countries where children have been recruited or used in hostilities, the Committee is concerned that assistance for addressing their psychological and/or physical health as well as social reintegration is inadequate.

41. **The Committee recommends that the State party pay particular attention to the asylum-seeking, refugee and migrant children living in Kazakhstan who may have been recruited or used in hostilities in their country of origin by taking inter alia the following measures:**

(a) **Introduce and implement a law on refugees which is in full compliance with international standards for granting refugee status;**

(b) **Provide children who have fled with or without their families amid conflict in Tajikistan, the Russian Federation (Chechnya), Afghanistan and other countries and who have lived in Kazakhstan for some time (more than a year), with either refugee status or another status which will allow social reintegration in Kazakh society and provide them with equal access to education, health care and other social services;**

(c) **Provide affected children with multidisciplinary assistance for their physical and psychological recovery and their social reintegration. It further encourages the State party to systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home country. In this regard, the Committee recommends that the State party take note of the Committee's general comment No. 6 of 2005 on treatment of unaccompanied and separated children outside their country of origin.**

4. Follow-up and dissemination

42. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers, the Parliament, the Defence Ministry and to provincial authorities, where applicable, for appropriate consideration and further action.**

43. **The Committee recommends that the State party continue to develop ongoing and systematic education and training in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups as mentioned above. Furthermore, 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 and human rights education.**

44. **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 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.**

5. Next report

45. **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 the next report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

Concluding observations: Malta

46. The Committee considered the initial report of Malta (CRC/C/OPAC/MLT/1) at its 1160th meeting (see CRC/C/SR.1160), held on 11 September 2006, without the presence of a delegation of the State party which, in accordance with the Committee's decision 8, adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

47. The Committee welcomes the submission of the State party's initial report as well as its replies to the list of issues.

48. 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 (CRC/C/15/Add.129) on 28 June 2000.

B. Positive aspects

49. The Committee notes with appreciation that, although there is a Junior Leader Scheme under the Malta Armed Forces Act, whereby persons under the age of 17 years and 6 months could potentially be recruited for training in a non-combatant position, no recruitment under the age of 18 years has taken place since 1970.

50. It further welcomes the ratification by the State party of:

(a) ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 15 June 2001;

(b) The Rome Statute of the International Criminal Court, on 29 November 2002.

C. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

51. The Committee is concerned that there are no specific provisions in the State party's legislation criminalizing the compulsory recruitment of a person under 18 or any other violation of the provisions of the Optional Protocol. It also notes the information that the State party does not assume extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities.

52. 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 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.**

Dissemination and training

53. The Committee regrets the lack of information about dissemination and training with respect to the Optional Protocol.

54. The Committee recommends that the State party ensure that training activities on the Optional Protocol are provided to the armed forces. It further recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol specifically addressed to all relevant groups working with and for children. These include notably professionals working with asylum-seeking, refugee and migrant children entering Malta from countries affected by armed conflict, such as medical professionals, social workers, police officers, teachers, lawyers and judges. The State party is invited to provide information in this respect in its next report.

2. Recruitment of children

55. The Committee notes that, according to Title II, Chapter 220, of the Armed Forces Act, it is prohibited to recruit a person under the appropriate minimum age (which in Malta is 17 years and 6 months) “unless consent to the enlistment has been given in writing” by the parents or by any other person in whose care the person offering to enlist may be. The Committee regrets that there is no indication of a minimum age under which it would not be possible to recruit children under any circumstance, i.e. even with parental or other legal guardians’ consent.

56. The Committee recommends that the State party establish by law a minimum age for voluntary recruitment into its national armed forces under which recruitment of children would be prohibited with no exceptions. This “absolute” minimum age for voluntary recruitment should reflect and institutionalize the good practice of the State party whereby no recruitment of under-18s has occurred since 1970.

3. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

57. The Committee notes that the State party is a country of transit and destination of asylum-seekers and migrants, including children, some coming from countries affected by armed conflict. In this respect, the Committee, while noting that the Children and Young Persons (Care Orders) Act has provisions taking care of unaccompanied minors and that the residential set-up “Dar is Sliem” offers shelter and services to unaccompanied asylum-seekers who are under 18, is concerned at the practice of automatic detention of all persons entering Malta in an irregular manner. While the duration of this detention has been recently reduced to a maximum of 18 months and despite the policy providing that children should not be detained, the Committee is concerned at the information that - in practice - some children and unaccompanied minors, including children coming from countries affected by armed conflict, are detained in certain cases pending the finalization of the process for their release.

58. The Committee recommends that the State party:

(a) Identify at the earliest possible stage refugee, asylum-seeking and migrant children entering Malta who may have been involved in armed conflicts;

(b) Carefully examine the situation of these children, prohibit their detention in any case and provide them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol;

(c) Systematically train authorities working for and with refugee, asylum-seeking and migrant children coming from countries affected by armed conflict; and

(d) Engage in international cooperation in this respect and provide further information on this issue in its next report.

59. In this respect, the Committee further wishes to draw the State party’s attention to the Committee’s general comment No. 6 of 2005 on treatment of unaccompanied and separated children outside their country of origin.

4. Follow-up and dissemination

60. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Cabinet or a similar body, the House of Representatives, the Defence Ministry and to provincial authorities, where applicable, for appropriate consideration and further action.

61. 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.

5. Next report

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

Concluding observations: Samoa

63. The Committee considered the initial report of Samoa (CRC/C/WSM/1) at its 1161st and 1163rd meetings (see CRC/C/SR.1161 and CRC/C/SR.1163) held on 12 September 2006, and adopted at the 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

64. The Committee welcomes the submission of the initial report as well as the comprehensive written replies to its list of issues (CRC/C/WSM/Q/1). It further notes with great appreciation the self-critical and analytical nature of these reports, which contributed to a clear understanding of the situation of children in the State party.

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

B. Positive aspects

66. The Committee commends the State party for a number of positive developments in the reporting period, *inter alia*:

(a) The completion of the comprehensive Legislative Compliance Review on the Convention on the Rights of the Child and on the Convention on the Elimination of All Forms of Discrimination against Women for Samoa and the development of indicators which could greatly assist in the implementation of the rights enshrined in both Conventions;

(b) The Births, Deaths and Marriages Registration Act of 2002, which provides better regulation and obligations for registration;

(c) The Citizenship Act of 2004, which revises the law relating to citizenship and confirms citizenship to any child born in Samoa or by descent;

(d) The Infants (Adoption) Amendment Act 2005, which provides for the regulation of adoption agencies carrying out adoption proceedings in Samoa and the regulation of intercountry adoption;

(e) The ratification of the Rome Statue of the International Criminal Court in 2002.

C. Factors and difficulties impeding the implementation of the Convention

67. The Committee acknowledges the challenges faced by the State party, namely the country's vulnerability to natural disasters such as hurricanes, which at times pose serious difficulties for the full realization of children's rights enshrined in the Convention.

D. Principal areas of concern and recommendations

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

Reservations

68. The Committee is concerned at the reservation made by the State party to article 28, paragraph 1 (a), of the Convention on the Rights of the Child.

69. **In the light of the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993 (A/CONF.157/23), the Committee recommends that the State party consider withdrawing the reservation made to article 28, paragraph 1 (a), of the Convention on the Rights of the Child.**

Legislation

70. The Committee welcomes the analytical survey of existing laws in the State party with the aim of identifying provisions that need to be changed or need to be added to bring the laws in compliance with the Convention on the Rights of the Child. However, the Committee is concerned that the Office of the Law Reform Commission has not yet been established and that as a result necessary follow-up actions to this survey may be postponed, delayed or may not take place.

71. **The Committee urges the State party to establish, as a matter of priority, the Office of the Law Reform with the aim of developing and implementing a plan for the reform of Samoan legislation, using the survey mentioned before, in order to ensure consistency with the principles and provisions enshrined in the Convention.**

72. The Committee notes that Samoa has ratified only two of the seven core international human rights treaties.

73. The Committee highly recommends that the State party consider ratifying other core international human rights treaties, as recommended in the Pacific Plan for Strengthening Regional Cooperation and Integration adopted in October 2005 by the 16 leaders of the Pacific Islands Forum.

National plan of action

74. The Committee welcomes the information regarding the launching of the first Corporate Plan 2004-2007 of the Ministry of Women, Community and Social Development (MWCSO) and regarding the preparation of a National Plan of Action 2007-2010.

75. The Committee recommends that the State party strengthen its efforts to adopt and implement a National Plan of Action which covers all areas under the Convention and takes into account the outcome document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002. It also recommends that sufficient human and financial resources be provided for its full and effective implementation at all levels, with concrete time-bound targets. The Committee further encourages the State party to ensure the wide participation of civil society, including children and youth, in all aspects of the implementation process.

Coordination

76. The Committee welcomes the efforts made by MWCSO, the National Coordinating Committee on the Convention of the Rights of the Child (NCCCRC) and the Partnership on the CRC to coordinate activities for the implementation of the Convention on the Rights of the Child. However, the Committee is concerned at the limited financial and human resources provided to the various entities, particularly to NCCCRC.

77. The Committee recommends that the State party strengthen the role of NCCCRC and provide it with adequate human and financial resources to effectively execute its mandate. In this regard, the Committee refers the State party to its general comment No. 5 of 2003 on general measures of implementation for the Convention on the Rights of the Child.

Independent monitoring

78. The Committee is concerned that there is no independent body to promote and monitor the implementation of children's rights with the power to receive and address individual complaints concerning violations of all children's rights.

79. The Committee recommends that the State party establish an independent body for the promotion and monitoring of the Convention on the Rights of the Child, either as part of an independent national human rights institution or as a separate body in accordance with the Paris Principles (General Assembly resolution 48/134, annex) and the Committee's general comment No. 2 of 2002 on the role of independent national human rights institutions. It also recommends that such an independent body should have a mandate to

receive, investigate and address complaints, including from children, and that adequate human and financial resources be allocated. The Committee further recommends that the State party consider seeking technical assistance from, inter alia, UNICEF and OHCHR.

Resources for children

80. The Committee is concerned at the lack of sufficient budgetary allocation to MWCSO in relation to children and the implementation of their rights.

81. **With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party increase budgetary allocations for MWCSO, both at national and local levels to ensure the implementation of the rights of children, in particular those belonging to the most vulnerable groups “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”.**

Data collection

82. While acknowledging the efforts made by the State party in the domain of data collection, including the establishment of the Child Protection Information System (CPIS), the Committee is concerned at the lack of an adequate mechanism for collecting data disaggregated across all areas covered by the Convention for analytical purposes.

83. **The Committee recommends that the State party continue its efforts in developing a comprehensive system of collecting disaggregated data that covers all areas of the Convention, paying particular attention to those who are vulnerable, including children with disabilities and children living in poverty. It further encourages the State party to use these indicators and data in the formulation of laws, programmes and design policies for the effective implementation of the Convention. In this regard, the Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Dissemination, training and awareness-raising

84. The Committee welcomes the translation of the Convention on the Rights of the Child into the Samoan language. It also acknowledges the efforts undertaken by the Division for Women and Pacific Children’s Program in coordinating and implementing a number of awareness-raising activities on the Convention, including through media campaigns. Despite these efforts, the Committee remains concerned that children and the general public at large remain insufficiently aware of the Convention and that key professionals in communities working with and for children, such as teachers, social workers, healthcare providers and police, have not been systematically provided with adequate information on the Convention and its implication for their work.

85. **The Committee recommends that the State party continue to strengthen its efforts to ensure that the provisions and principles of the Convention are widely recognized and understood by adults and children alike. In this regard, it encourages the State party to continue to disseminate and raise awareness of the Convention among children, their parents and other caregivers and all relevant professional groups working with and for**

children. The Committee also invites the State party to engage with community leaders, including church leaders, in discussions on children's rights in the context of Samoan culture, with a view to bringing about further changes in the attitudes and behaviour of these key opinion-leaders in society.

Cooperation with civil society

86. The Committee welcomes the active role played by civil society, particularly in the provision of social services. However, the Committee notes that most NGOs did not have access to the State party report and were not aware of the reporting process to the Committee on the Rights of the Child.

87. The Committee recommends that the State party, taking into account the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights (CRC/C/121):

(a) Continue to strengthen its cooperation with civil society organizations and involve them systematically at all stages in the implementation of the Convention; and

(b) Provide civil society organizations with adequate financial and other resources to effectively discharge their responsibilities.

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

88. The Committee joins its voice to the concern raised by the Committee on the Elimination of Discrimination against Women regarding the difference of age of marriage, which is 16 for girls and 18 for boys.

89. The Committee recommends that the State party establish one legal minimum age for marriage for both boys and girls at an internationally acceptable level.

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

Non-discrimination

90. While noting that the Samoan constitution and national legislation provide the child with some protection from discrimination, the Committee remains concerned at the many areas of potential discrimination, such as race, colour, property, disability, birth status, sexual orientation, HIV status, marital and pregnancy status.

91. The Committee urges the State party to undertake legislative measures to ensure that constitutional and legal provisions guaranteeing the principle of non-discrimination fully comply with article 2 of the Convention. The Committee further recommends that the State party collect disaggregated data to enable effective monitoring of de facto discrimination, in particular against girls, children living in poverty and those with disabilities.

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

Best interests of the child

93. The Committee notes that some legislation provides for the best interests of the child, particularly in relation to custody proceedings. However, the Committee is concerned that the principle laid down in article 3 of the Convention is not fully applied and duly integrated into common and traditional law, policies and programmes of the State party.

94. **The Committee recommends that the State party revise its legislation in order to ensure that the principle of the best interests of the child is fully integrated in both common and traditional law and reflected and implemented in all policies and programmes of the State party.**

Respect for the views of the child

95. The Committee notes the implementation of regular Children's Forums both in Sava'ii and Upolu and that schools, communities, churches and other organizations provide some opportunities for children to participate and express their views. It is nevertheless concerned at the fact that traditional attitudes may limit children's rights to freely express their views within the family, in schools and in the community.

96. **The Committee recommends that the State party strengthen its efforts to ensure the active participation and involvement of children in all decisions affecting them in the family, school and community, in accordance with articles 12, 13 and 15 of the Convention. It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making, court decisions, and programme implementation. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the rights of the child to be heard in September 2006.**

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

Corporal punishment

97. The Committee is concerned that corporal punishment in the family, in schools and in alternative care settings is not formally prohibited and is widely practised.

98. **The Committee recommends that the State party introduce and enforce legislation prohibiting all forms of corporal punishment in all settings, including in the family and the alternative childcare system and in this respect the Committee fully supports the actions planned by the State party. Furthermore, the Committee recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of**

discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, and that it take into account its general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

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

Parental responsibilities

99. The Committee is concerned at the lack of systematic support and training for parents in performing their parental responsibilities.

100. **The Committee recommends that the State party provide parents and other caregivers with the necessary support and parenting education in conjunction with appropriate information on child rights and to involve in these efforts NGOs, the local communities, church groups and the private sector, while using community-based and mass-media approaches, in conjunction with appropriate child rights education.**

Adoption

101. The Committee welcomes the various legislative measures to regulate domestic and intercountry adoptions but it is concerned at the lack of statistical and other information on the practice of adoption, in particular so-called "informal adoption".

102. **The Committee recommends that the State party undertake a study, including disaggregated data, to analyse the practice of adoption, including so-called "informal adoptions" by family members, with a view to understanding the scope and nature of this practice and adopting adequate policies and measures. It also encourages the State party to ensure that adoption is carried out in conformity with article 21 of the Convention and to ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Violence, abuse and neglect, ill-treatment

103. While acknowledging the activities undertaken to prevent and combat child abuse and neglect, the Committee is concerned at the persistent occurrence of child abuse and neglect in the State party.

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

(a) **Take the necessary measures to prevent child abuse and neglect and in addition to existing procedures, establish effective mechanisms to receive, monitor and investigate reports on cases of child abuse;**

(b) **Carry out preventive public education campaigns about the negative consequences of ill-treatment of children;**

(c) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes;

(d) Investigate cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-friendly investigative and judicial procedure and with due regard given to protecting the right to privacy of the child;

(e) Take measures to ensure the provision of support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims; and

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

105. 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 Pacific regional consultation on violence against children, held in Fiji from 26 to 28 September 2005. The Committee recommends that the State party use the outcome of this regional consultation 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. In addition, the Committee would like to draw the State party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations as well as setting-specific recommendations contained in this report.

6. Basic health and welfare

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

Children with disabilities

106. The Committee is concerned about the lack of a national policy or legislation ensuring the right of children with all types of disabilities to the enjoyment of a full and decent life. It is also concerned at the inadequate support given to children with special needs in the educational system.

107. The Committee recommends that the State party:

(a) Adopt a comprehensive policy for children with disabilities that includes, inter alia, deletion of all negative terms relating to children with disabilities from legislation, regulations and practice;

(b) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339);

(c) Encourage the inclusion of children with disabilities into the regular educational system, inter alia, by establishing special units in all communities, giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

(d) Seek technical assistance from, inter alia, UNICEF.

Health and health services

108. The Committee notes with appreciation the decline in infant and under-five mortality rates. The Committee also notes the National Health Services Bill of 2005, which formalizes the incorporation of child health services, including expanded programmes on immunization, breastfeeding and nutrition sessions into the Nursing and Integrated Community Health Services of the National Health Services. However, the Committee remains concerned at the rubella outbreak in 2003 and the low rate of immunization coverage. It is also concerned at the inaccessibility to health-care facilities in rural areas, shortage of doctors, poor infrastructure and inadequate supplies.

109. The Committee encourages the State party to continue its efforts to reduce the incidence of child and infant mortality and to undertake additional measures to increase immunization coverage. Furthermore, the Committee recommends that the State party strengthen its efforts in providing affordable and easily accessible quality healthcare services for rural communities.

Adolescent health

110. The Committee welcomes the information on the decreasing suicide rate in the State party in the last few years and the active role played by Save Life in this regard. It also notes that the Tobacco Control Bill provides a minimum age of 21 for the sale of tobacco products, and limits advertising and sponsorship by companies. Despite this positive development, the Committee is concerned about the increasing rates of teenage pregnancy, substance abuse, sexually transmitted infections (STIs) and about the limited availability of reproductive health information. It is further concerned at the fact that the Mental Health Unit is severely understaffed and under-skilled.

111. The Committee reiterates its recommendation that the State party:

(a) Undertake a comprehensive study to assess the nature and 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 a particular focus on the prevention of STIs, especially through reproductive health education and child-sensitive counselling services, and taking into account the Committee's general comment No. 4 of 2003 on adolescent health and development in this regard;

(b) Expedite the enactment of the Mental Health Bill, as well as the Tobacco Control Bill;

(c) Allocate adequate human and financial resources to the Mental Health Unit in order to strengthen mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents;

(d) Take measures to incorporate reproductive health education in the school curriculum in order to fully inform adolescents about their reproductive health rights and the prevention of STIs, including HIV/AIDS, as well as early pregnancies;

(e) Consider means of providing particular support to pregnant teenagers, including through community structures;

(f) Strengthen cooperation with international agencies with expertise in health issues relating to adolescents, inter alia, WHO and UNICEF.

Standard of living

112. The Committee is concerned at the low standard of living of children and adolescents, in particular in rural areas.

113. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to alleviate poverty and to provide support and material assistance, with particular focus on the most marginalized and disadvantaged families and to guarantee the right of children to an adequate standard of living.

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

114. The Committee notes with appreciation the high priority given to education in the State party and the progress made with regard to reconstruction of the schools destroyed by natural disasters. However, the Committee is concerned at the high repetition and drop-out rates, particularly in primary education. The Committee also notes that the policy of compulsory but not free access to education means that some parents cannot pay school fees and thereby children are limited in their right to education. The Committee is also concerned at the unsatisfactory quality of education, overcrowded classrooms, outdated curricula and also at the lack of vocational training programmes.

115. The Committee recommends that the State party undertake appropriate measures to ensure regular attendance at schools, the reduction of drop-out rates and the incorporation of vocational education in school curricula. The Committee further recommends that the State party increase public expenditure in education and ensure free and compulsory education at the primary level, and that the State party strengthen its efforts to improve

the quality of education through providing appropriate and continuous training to teachers. The Committee also recommends that the State party continue to strengthen its technical cooperation programmes with UNESCO.

8. Special protection measures

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

Economic exploitation, including child labour

116. The Committee shares the concern of the State party regarding the growing number of working children, including children involved in domestic work and child street vendors, and the need to undertake targeted activities to address it.

117. **The Committee recommends that the State party undertake a study to determine the root causes and scope of child labour in order to develop and implement well-targeted programmes to reduce and eliminate child labour. In addition, the Committee recommends that the State party expedite the passing of the Education Bill, which will regulate the employment of school-aged children. The Committee also recommends that the State party 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. Furthermore, the Committee recommends that the State party seek technical assistance from ILO/International Programme on the Elimination of Child Labour (IPEC).**

Sexual exploitation

118. The Committee is concerned that the growing tourism industry in the State party may expose children to sexual exploitation.

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

(a) Conduct a study to determine the root causes and the scope of sexual exploitation;

(b) Use the outcome of this study to develop and implement an effective and comprehensive policy addressing the sexual exploitation of 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

(c) Seek international cooperation, in particular from UNICEF.

Juvenile justice

120. The Committee is concerned that the treatment of children in conflict with the law is not in compliance with the Convention on the Rights of the Child, inter alia, due to lack of an adequate infrastructure and proper legislation. In particular, the Committee is concerned at the low minimum age for criminal responsibility (eight years), the absence of a separate justice system for juveniles and the provision of alternatives to judicial proceedings and imprisonment.

121. The Committee urges the State party to ensure the full implementation of juvenile justice standards, in particular articles 37 (b), 40 and 39 of the Convention, 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 (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System as well as the recommendations of the Committee on 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) Establish a functioning juvenile justice system and in this regard expedite the enactment of the Young Persons Bill and the Criminal and Community Justice Bill;

(b) Raise the minimum age of criminal responsibility to an internationally acceptable level;

(c) Ensure that deprivation of liberty is used as a last resort and that detained children are always separated from adults;

(d) Provide training programmes on relevant international standards for all professionals involved with the system of juvenile justice; and

(e) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice (IJJP).

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

122. 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. Follow-up and dissemination

Follow-up

123. 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 Cabinet, the Parliament and the village councils for appropriate consideration and further action.

Dissemination

124. The Committee further recommends that the initial 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

125. The Committee invites the State party to submit a consolidated second, third and fourth periodic report by 28 December 2011, the due date of the fourth periodic report. This is an exceptional measure due to the large number of reports received by the Committee every year. 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: Ethiopia

126. The Committee considered the third periodic report of Ethiopia (CRC/C/129/Add.8) at its 1162nd and 1164th meetings (see CRC/C/SR.1162 and 1164), held on 12 September 2006, and adopted, at its 1199th meeting (CRC/C/SR.1195), held on 29 September 2006, the following concluding observations.

A. Introduction

127. The Committee welcomes the submission of the third periodic report, the detailed written replies to its list of issues (CRC/C/Q/ETH/3 and Add.1) and the constructive dialogue with a high-level, cross-sectional delegation.

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

128. The Committee welcomes a number of positive developments in the reporting period, inter alia:

- (a) The free anti-retroviral programme that started in 2005;
- (b) The provisions in the New Criminal Code of 2005 which criminalize harmful traditional practices and most forms of human trafficking;
- (c) The provision in the Revised Family Code setting 18 years of age for marriage for both girls and boys;
- (d) The adoption of a National Plan of Action for Children (2003-2010).

129. The Committee notes with appreciation the regional presence of the Office of the High Commissioner for Human Rights (OHCHR) in Addis Ababa aimed at strengthening the capacity of the State party to respond to its human rights needs. The Committee urges the State party to continue its cooperation with the United Nations Mission in Ethiopia and Eritrea (UNMEE), especially regarding the situation of children.

130. The Committee also welcomes the ratification of the following international human rights instruments:

- (a) The Convention of the International Labour Organization No. 29 concerning Forced or Compulsory Labour and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, both on 2 September 2003;

(b) The African Charter on the Rights and Welfare of the Child on 2 October 2002;

(c) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction on 17 December 2004.

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

131. The Committee notes with satisfaction that some concerns and recommendations (see CRC/C/15/Add.144) made upon the consideration of the State party's second report in 2001 have been addressed through legislative measures. However, recommendations regarding, inter alia, resource allocation, harmful traditional practices, birth registration, child labour, refugee children and juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

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

Legislation

133. The Committee notes that some progress has been made by the State party in the effort to bring domestic laws into compliance with the Convention, e.g. by criminalizing harmful traditional practices and child trafficking in the revised Criminal Code of 2004. However, the Committee remains concerned at the lack of a systematic legislative review and adoption of a comprehensive Children's Code. The Committee regrets that the Convention has not yet been published in the Official Gazette as previously recommended.

134. The Committee recommends that the State party strengthen its efforts to bring domestic laws into full compliance with the Convention. In this regard, the State party should consider undertaking a comprehensive legislative review and adopt a comprehensive Children's Code which incorporates the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Furthermore, the Committee reiterates its recommendation to publish the Convention in the Official Gazette as it would facilitate awareness and access among professionals working with the administration of justice.

Coordination

135. The Committee notes that the newly created Ministry of Women's Affairs is responsible for coordinating the activities in view of the implementation of the Convention. However, the Committee is concerned that the Ministry lacks sufficient resources and the ability to establish coordination at the regional, zone and woreda levels.

136. **The Committee recommends that the State party ensure that the Ministry of Women's Affairs is provided with adequate human and financial resources, enabling it to coordinate and monitor implementation at the federal, regional, zone and woreda levels. In this regard, the Committee refers the State party to its general comment No. 5 of 2003 on general measures of implementation for the Convention on the Rights of the Child.**

National Plan of Action

137. The Committee welcomes the adoption of a National Plan of Action for Children (2003-2010). However, the Committee is concerned at the lack of a systematic review and evaluation of the previous National Plan of Action for Children, in order to better address previous challenges. The Committee also regrets that the National Plan of Action has not been translated into local languages and adequately disseminated among the authorities responsible for its implementation.

138. **The Committee recommends that the State party ensure that the current National Plan of Action for Children covers all areas of the Convention and is implemented with adequate human and financial resources, accompanied with assessment and evaluation mechanisms. Furthermore, the Committee recommends that the National Plan of Action for Children be translated into local languages and disseminated widely among local governments as they play an important role in its implementation. The Committee encourages the State party to take into account the outcome document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children held in May 2002.**

Independent monitoring

139. The Committee notes that a Human Rights Commission and Ombudsman institution were established by law in 2000 and that the Human Rights Commissioner and Ombudsman have been appointed (2004). The Committee understands that these offices commenced operation in 2005 but regrets the lack of information on their work.

140. **The Committee recommends that the State party ensure as a matter of priority the efficient operation of both the Human Rights Commission and Ombudsman, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex). These institutions should also be provided with the necessary human and financial resources (which might include donor assistance) to receive, monitor and investigate complaints from or on behalf of children on violations of their rights. In this regard, the Committee draws the attention of the State party to its general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee requests the State party to provide information on the activities of these institutions, particularly in relation to the Convention on the Rights of the Child, while encouraging them to submit additional reports directly to the Committee on the Rights on the Child.**

Resources for children

141. The Committee welcomes the increased budget allocation for education and health, however it is concerned that the resources for the implementation of the National Plan of Action are insufficient in order to effectively improve the promotion and protection of children's rights. In particular, the Committee notes the considerable military expenditure in contrast to allocations to education and health.

142. In the light of article 4 of the Convention, the Committee urges the State party to prioritize and increase budgetary allocations for children at both national and local levels, in order to improve the implementation of the rights of the child throughout the country and, in particular, to pay attention to the protection of the rights of children belonging to vulnerable groups, including children belonging to ethnic minorities, children with disabilities, children affected by and/or infected with HIV/AIDS and children living in poverty and in remote areas.

Data collection

143. The Committee notes with concern the lack of data on areas including domestic adoption, street children, children involved in armed conflicts, children without parental care, children involved in the justice system, and sexually abused and trafficked children.

144. The Committee encourages the State party, with reference to the need to significantly improve birth registration, to strengthen its system of collecting disaggregated data, especially in relation to the areas indicated in the preceding paragraph, as a basis for assessing 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 UNICEF in this regard.

Dissemination, training and awareness-raising

145. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through its publications in several local languages and public events. However, the Committee is concerned that additional efforts are required with regard to raising awareness of the Convention among relevant professional categories, parents and children themselves, especially in rural areas. The Committee is especially concerned at the lack of awareness of children's rights displayed by the police during the post-election events, despite having received considerable relevant training.

146. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by parents and children. It further recommends the reinforcement of adequate and systematic training of all professional categories working for and with children, in particular targeting law enforcement officials. Teachers, including those in rural and remote areas, health personnel, social workers and personnel of childcare institutions should also be among the professionals trained. The Committee recommends that human rights education be

included in the official curriculum at all levels of education and that the State party conduct public awareness campaigns, paying particular attention to people with low literacy skills. The Committee suggests that the State party seek technical assistance from UNICEF and OHCHR for the above recommendations.

Cooperation with civil society

147. While appreciating that in its report, the State party acknowledges the importance of the contribution of NGOs in the implementation of the Convention, the Committee is seriously concerned over restrictions placed upon civil society since the elections in 2005 and, in particular, regrets the arbitrary mass detentions, including of children, that place severe restrictions upon the freedom of expression which is a fundamental element of a free civil society.

148. The Committee strongly recommends the State party to respect the role played by civil society in furthering the implementation of the Convention in Ethiopia and encourages the active, positive and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including their participation in the follow-up to the concluding observations of the Committee.

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

Non-discrimination

149. The Committee is concerned at the actual discrimination against certain groups of children, particularly girls, children with disabilities, children living in poverty, refugee children, children affected by and/or infected with HIV/AIDS and children belonging to ethnic minorities. The Committee acknowledges the positive steps taken to enhance the status of the girl child such as criminalizing female genital mutilation (FGM) and raising the minimum age of consent for marriage, however the Committee remains concerned that vulnerable groups of girls remain victims of harmful traditional practices, deprived of education (primary and secondary), victims of sexual and physical violence as well as commercial exploitation.

150. The Committee recommends that the State party make combating discrimination against vulnerable girls a national priority, design programmes which enable the girl child to access her rights without discrimination and raise awareness of the value of the girl child among all stakeholders. Furthermore, in relation to other forms of discrimination, the Committee urges the State party to take adequate measures to ensure the practical application of the provisions guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

151. The Committee regrets that information was not included in the report on the measures and programmes relevant to the Convention on the Rights of the Child implemented by the State party, to follow up on the Declaration and Programme of Action

adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 of 2001 on the aims of education. The Committee requests that specific information, as outlined above, be provided in the next periodic report.

Right to life, survival and development

152. The Committee is deeply concerned over the information concerning the direct impact on children of events following the November 2005 demonstrations which involved arbitrary mass detentions, excessive use of force by the police and the military, causing deaths and physical injuries, including by gunshots, of numerous children. The Committee is particularly disturbed to learn that schools were attacked under the pretext that children were involved in demonstrations. Among the children affected, the Committee notes an elevated number of vulnerable children belonging to ethnic minorities as well as street children.

153. The Committee urges the State party to take urgent measures to ensure respect for the civilian population and protect vulnerable groups, such as children of ethnic minorities and street children, from excessive use of force. The Committee reminds the State party of its obligation to take measures to prevent human rights violations and to ensure that perpetrators of such violations are brought to justice.

Respect for the views of the child

154. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, such as the child forum, the Committee remains concerned that traditional societal attitudes appear to limit children in freely expressing their views in the community, schools, courts, or within the family.

155. The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the community, the family, schools, courts and relevant administrative and other settings, in accordance with article 12 of the Convention. In this context, the Committee encourages the State party to take into account the recommendations adopted by the Committee following the day of general discussion on the right of the child to be heard, held on 15 September 2006.

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

Birth registration

156. The Committee regrets the absence of institutional structures and adequate legal framework to ensure birth registration. The Committee is deeply concerned that a very large number of children are neither registered at birth nor at a later stage.

157. The Committee reiterates its concern from the previous periodic review and urges the State party to strengthen and further develop measures to ensure that all children born within the national territory are registered by adopting an adequate legal framework. Furthermore, the Committee urges the State party to create institutional structures that are accessible and free in order to implement effective birth registration, e.g. by

introducing mobile units, especially in rural and remote areas and for internally displaced persons (IDPs) and refugee camps. The Committee recommends the State party to seek technical assistance from UNICEF for the implementation of these recommendations.

Corporal punishment

158. While taking note of the constitutional provision prohibiting corporal punishment in schools, the Committee remains concerned that “reasonable chastisement” is permitted according to the Penal Code and that corporal punishment is still widely practised in the home, schools and in other settings.

159. The Committee recommends that the State party explicitly prohibit corporal punishment within the home and enforce the prohibition in all settings, including in the family, schools and alternative childcare. The Committee also recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of 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 of 2006. The Committee also recommends the State party to seek technical assistance from UNICEF in order to implement relevant programmes in the school environment.

Torture and degrading treatment

160. The Committee is also seriously concerned at information according to which children continue to be victims of torture, cruel and degrading treatment by the police and military. The Committee is especially concerned at the situation of vulnerable groups of children, such as those belonging to ethnic minorities, and is alarmed at the fact that students have been targeted while attending school. In particular, the Committee expresses concern regarding sexual violence and is disturbed by numerous reports of rapes committed by members of the military. Furthermore, the Committee is concerned that the children’s rights units within the police are not consistently maintained.

161. The Committee urges the State party to take effective measures to protect all children from torture, cruel and degrading treatment. The Committee emphasizes the urgent need to investigate and sanction reported cases in order to break the cycle of impunity for serious human rights violations. In particular, the Committee urges the State party to maintain the children’s rights units within the police while suspending and holding accountable those members of the police and armed forces who have committed abuses. The Committee recommends that the State party ensures 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 article 39 of the Convention.

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

Children without parental care

162. The Committee is deeply concerned about the impact of extreme poverty and the high rate of HIV/AIDS on children, and the dire need to provide them with adequate alternative care. The Committee notes the important role played by NGOs in providing alternative care for orphaned children.

163. The Committee recommends that the State party take the necessary measures to protect the rights of children without parental care and address their needs with a focus on:

(a) Effective support programmes for children in vulnerable families, such as those affected by HIV/AIDS, single-parent families and families suffering from poverty;

(b) Assistance to extended families who care for children of parents who have died of AIDS and for child-headed households;

(c) Promotion of and support for family-type forms of alternative care for children deprived of parental care, in order to reduce the dependence on institutional care;

(d) Provision of adequate resources to institutional care provided by NGOs, while bearing in mind State responsibility for all children who lack parental care;

(e) Provision of training for staff in alternative care settings and access to complaints mechanisms for the children;

(f) Adequate monitoring of alternative care facilities;

(g) Reunification with their birth family, when appropriate, for children receiving alternative care.

Adoption

164. The Committee regrets the lack of information on domestic adoptions and the fact that they are not notified to the courts, which leads to illegal adoption practices. Furthermore, the Committee is concerned that children who have been unofficially adopted suffer discrimination.

165. The Committee recommends the State party to provide more information on domestic adoptions and ensure better follow-up regarding the situation of adopted children. The principle of the best interest of the child should guide the adoption process.

166. The Committee notes the rising number of intercountry adoptions and that the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption has not been ratified.

167. The Committee recommends that the State party encourage formal domestic rather than intercountry adoption and reiterates its recommendation that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

168. The Committee is concerned that article 195 of the Family Code allows for adoptions to be revoked, which might leave the child without parental care and legal guardians.

169. The Committee recommends that the provision for the revocation of adoptions be amended in order to ensure that, when it is enacted, the child is provided with alternative guardians.

Child abuse

170. The Committee notes as positive the establishment of several child protection units within the police, however it is concerned at the high levels of child abuse, in particular sexual abuse, and regrets the lack of statistics and mechanisms to monitor such violations and analyse its root causes. It is further concerned at the lack of a comprehensive policy to counteract child abuse.

171. The Committee recommends that the State party:

- (a) Take the necessary measures to prevent child abuse and neglect;**
- (b) Establish effective mechanisms to receive, monitor and investigate reports of cases of child abuse and, when required, initiate prosecutions of perpetrators in a manner that is child sensitive and ensures the privacy of the victims;**
- (c) Provide child victims of sexual or other forms of abuse with the necessary psychological and other support for their full recovery and social reintegration;**
- (d) Carry out preventive public education campaigns about the consequences of the abuse and ill-treatment of children;**
- (e) Provide support for the operation of a three-digit toll free helpline for children.**

172. 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 to this questionnaire 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 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 or mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

173. **In addition, the Committee would like to draw the State party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations, as well as setting-specific recommendations contained in this report.**

Children in prison with their mothers

174. The Committee is concerned over the large number of young children, including infants, in prison with their mothers.

175. **The Committee recommends that the State party seek alternative measures to institutional confinement for mothers with young children and, if applied, provide adequate facilities, while taking into account article 30 of the African Charter on the Rights and Welfare of the Child.**

5. Basic health and welfare

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

Children with disabilities

176. The Committee notes the State party's efforts to support children with disabilities, including direct and indirect assistance. However, it is concerned about the persistent de facto discrimination, lack of statistical data on the number of disabled children and insufficient educational opportunities. The Committee is also concerned that children are doubly disadvantaged if they live in rural and remote areas.

177. **The Committee recommends that, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations of the Committee's day of general discussion on children with disabilities held on 6 October 1997 (see CRC/C/66), the State party take all necessary measures to:**

(a) Raise awareness about children with disabilities, including their rights, special needs and potential, in order to change prevailing prejudices against children;

(b) Collect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children living in the most remote areas of the country;

(c) Provide children with disabilities with access to adequate social and health services, as well as to quality education;

(d) Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained.

Health and health services

178. The Committee, while noting as positive the adoption of health sector development plans, regrets the lack of information on resources assigned to health services and is concerned that medical facilities are concentrated in the urban areas, resulting in exclusion of the majority of the population from necessary health services. In particular, the Committee is deeply concerned that infant, under-five and maternal mortality rates remain very high. It is also concerned at the low coverage of vaccinations, the prevalence of malaria, low breastfeeding rates and the high incidence of malnutrition.

179. The Committee recommends that the State party take all necessary measures to strengthen its programmes for improving health care by supporting these programmes with adequate and clearly allocated resources, paying particular and urgent attention to mortality rates, vaccination uptakes, nutrition status, breastfeeding rates and the management of communicable diseases and malaria. Specifically, the Committee recommends that the State party pay further attention to the urban/rural divide.

HIV/AIDS

180. The Committee welcomes the introduction of free antiretroviral treatment, however notes the challenges involved in ensuring that it be provided to all those who need it. The Committee is deeply concerned over the HIV infection rates, and that children and women of child-bearing age remain highly vulnerable to contracting HIV. Specifically, the Committee is concerned that testing and counselling are lacking, as well as a strategy on how to support and counteract discrimination against children who have contracted or lost their parents to HIV/AIDS.

181. The Committee recommends, with reference to the Committee's general comment No. 3 of 2003 on HIV/AIDS and the rights of the child and to the International Guidelines on HIV/AIDS and Human Rights, that the State party:

- (a) Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns;**
- (b) Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS;**
- (c) Develop a policy in order to prevent discrimination against children infected with and affected by HIV/AIDS;**
- (d) Ensure access to child-sensitive and confidential counselling, without the need for parental consent, when such counselling is required and in the best interest of the child;**
- (e) Continue to strengthen its efforts to prevent mother-to-child transmission of HIV;**
- (f) Seek international assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF, to that effect.**

Adolescent health

182. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee notes with concern the high levels of substance abuse. The Committee is specifically concerned over the situation of girls, due to the high percentage of early marriages and early pregnancies, as these have a negative impact on their health.

183. The Committee recommends that, taking into account the Committee's general comment No. 4 of 2003 on adolescent health and development in the context of the Convention on the Rights of the Child, the State party:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs), especially through reproductive health education;

(b) Conduct prevention campaigns to counteract substance abuse and provide youth advisory services;

(c) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents.

Harmful traditional practices

184. The Committee welcomes the criminalization of harmful traditional practices in the revised Criminal Code of 2005, and notes with appreciation the efforts undertaken by the National Committee on Harmful Traditional Practices in Ethiopia to document and combat the practice of female genital mutilation (FGM). However, the Committee remains concerned that FGM and forced and early marriages of girls through abduction are still widely practised and that a comprehensive strategy to counteract harmful traditional practices has not been developed.

185. The Committee recommends that the State party adopt a comprehensive strategy to prevent and combat harmful traditional practices and ensure resources for its implementation, in particular in rural areas. Awareness-raising campaigns on the negative effects on the health of children, especially girls, should be conducted for the general public as well as community, traditional and religious leaders. The legislation prohibiting harmful traditional practices and forced and early child marriages should be strictly enforced. The Committee further recommends that the State party provide retraining, where appropriate, for practitioners of female genital mutilation and support them in finding alternative sources of income.

Standard of living

186. The Committee is deeply concerned about the widespread poverty in the State party and the increasingly large numbers of children who do not enjoy the right to an adequate standard of living, including access to food, clean drinking water, adequate housing and latrines.

187. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when drafting and implementing national development plans and poverty reduction strategy papers.

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

188. The Committee welcomes the improved enrolment rate in primary schools and the increased budget allocation for education, as well as improved collection of statistics regarding school attendance. However, the Committee continues to be seriously concerned that primary education is still not free or compulsory and that net enrolment is still very low. Furthermore, the Committee is concerned at the large number of school dropouts, the charging of fees in primary education, the overcrowding of schools, the limited provisions for vocational training, the low transition rate to secondary school, the insufficient number of trained teachers and available school facilities, the absence of budget allocations for pre-primary schools and the poor quality of education. Considerable challenges remain in order to overcome inequalities which impact on children's access to education, in particular in rural regions, and on the basis of ethnicity and sex.

189. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 of 2001 on the aims of education:

- (a) Ensure that primary education is free and compulsory and take the necessary measures to ensure that all children are enrolled in primary education;**
- (b) Increase public expenditure on education, in particular pre-primary, primary and secondary education, with specific attention to improving access and addressing sex, socio-economic, ethnic and regional disparities in the enjoyment of the right to education;**
- (c) Train more teachers, especially female, and provide further school facilities, in particular in rural areas;**
- (d) Undertake additional efforts to ensure access to informal education to vulnerable groups, including street children, orphans, children with disabilities, child domestic workers and children in conflict areas and camps, inter alia by addressing the indirect and hidden costs of school education;**
- (e) Strengthen vocational training, including for children who have left school before completion;**
- (f) Seek technical assistance from UNICEF, in particular to improve access to education for girls.**

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

Refugee children

190. The Committee notes the presence of some 115,000 refugees from neighbouring countries and that the State party has applied asylum policies which to a large extent conform to international obligations. However, the Committee regrets that the State party did not withdraw its reservation to the 1951 Refugee Convention with regard to the right to education. Furthermore, the Committee is concerned at the low enrolment rates in school among refugee children and in particular the high dropout rates among girls, the lack of female staff at school and medical facilities in the camps, the limited reproductive health education and the high risk of sexual abuse and exploitation, particularly for girls.

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

(a) Withdraw its reservation to the 1951 Refugee Convention regarding the right to education;

(b) Take practical measures to increase enrolment rates, especially among girls, such as providing better access to education and ensuring a greater number of female teaching staff;

(c) Increase the number of female medical staff and address the need to provide education on reproductive health;

(d) Enhance the security in refugee camps and take all necessary measures to protect children, especially girls, against sexual exploitation, establish accessible complaints mechanisms and to investigate cases of abuse fully, and prosecute the perpetrators;

(e) Take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's general comment No. 6 of 2005 on the treatment of unaccompanied and separated children outside their country of origin;

(f) Continue its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in this regard.

Children in armed conflict

192. The Committee notes that the State party has set 18 years as the minimum age for recruitment into the armed forces. However, the Committee is concerned about the possible gaps within the recruitment process due to a lack of adequate birth registration. Furthermore, the Committee is concerned at the lack of physical and psychological recovery for all children affected by armed conflict, in particular those who were displaced and separated from their parents and those affected by landmines.

193. The Committee urges the State party to:

- (a) Take all possible measures to prevent the recruitment of children and enforce its legislation strictly;**
- (b) Provide physical and psychological recovery measures for all children affected by armed conflict, including those separated from their parents, and landmine victims, while paying particular attention to female-headed households;**
- (c) Consider ratification of the Rome Statute of the International Criminal Court;**
- (d) Support the operations of the United Nations Mission in Ethiopia and Eritrea (UNMEE) in order to seek sustainable peace in the region.**

Street children

194. The Committee is deeply concerned at the increasing number of street children, especially in major urban centres, who are also victims of drug abuse, sexual exploitation, harassment and victimization by members of the police force. Furthermore, the Committee is concerned at the stigmatization of street children and negative attitudes in society towards them based upon their social condition.

195. The Committee recommends that the State party:

- (a) Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;**
- (b) Develop and implement with the active involvement of street children themselves a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence;**
- (c) In coordination with NGOs, provide street children with the necessary protection, adequate health-care services, education and other social services;**
- (d) Support family reunification programmes, when it is in the best interests of the child.**

Economic exploitation, including child labour

196. The Committee is deeply concerned at the prevalence of child labour among young children, including as young as five, and that the State party has not taken comprehensive measures to prevent and combat this large-scale economic exploitation of children.

197. The Committee urges the State party to develop and implement, with the support of the ILO, UNICEF, and NGOs, a comprehensive plan of action to prevent and combat child labour, in full compliance with ILO Conventions No. 138 and No. 182, which the State party has ratified.

Sexual exploitation and sexual abuse

198. The Committee welcomes the initiatives by the State party to combat sexual exploitation of children, including provisions for stricter penalties in the revised Criminal Code and the establishment of a national plan of action against sexual exploitation of children. Nevertheless, the Committee is concerned that a high number, especially girls, are victims of sexual exploitation and sexual abuse, and that the perpetrators in a majority of cases remain unpunished. Furthermore, the Committee is deeply concerned at the lack of information in the State party report on the extent of the problem and the number of children affected.

199. The Committee recommends that the State party:

- (a) Undertake awareness-raising educational measures to prevent and eliminate sexual exploitation, in particular by supporting the current efforts undertaken by NGOs;**
- (b) Provide further resources to support physical and psychological recovery for all children affected by sexual exploitation which to date largely depends upon NGOs;**
- (c) Train professionals, in particular those working with the administration of justice, in order to receive, investigate and process complaints in a child-sensitive manner that respects the privacy of the victim;**
- (d) Ensure adequate resources in order to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes;**
- (e) Implement a comprehensive policy, in coordination with NGOs, for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

Sale and traffic in children

200. The Committee is concerned at the high number of children who are abducted and sold each year for unknown purposes within and outside Ethiopia. The Committee is deeply concerned at the lack of information in the State party report on the extent of the problem and the number of children affected.

201. The Committee recommends that the State party:

- (a) Undertake awareness-raising educational measures to prevent and eliminate sale of and traffic in children, in particular by supporting the current efforts undertaken by NGOs;**
- (b) Provide further resources to support physical and psychological recovery for all children, victims of sale or trafficking;**

(c) Ensure adequate resources in order to investigate cases of abuse and prosecute and impose adequate sentences for such crimes;

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

Juvenile justice

202. The Committee recognizes the efforts undertaken, for example through the Juvenile Justice Project Office, however notes that its impact has been hampered by limited resources. Furthermore the Committee regrets the absence of a child-friendly juvenile justice system in most of the country and the lack of legal aid representatives for child victims of offences as well as accused children. The Committee is concerned that deprivation of liberty is not used as a measure of last resort and at the lack of separation of children from adults in pre-trial detention, as well as the practice of long-term detention and institutionalization. Furthermore the Committee is concerned at the very low minimum age of criminal responsibility (set at age 9).

203. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, 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) the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), and in the light of the Committee's day of general discussion on the administration of juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). In particular, the Committee recommends that the State party:**

(a) Raise the minimum age for criminal responsibility to an internationally acceptable level;

(b) Continue to increase the availability and quality of specialized juvenile courts and judges, police officers and prosecutors through systematic training of professionals;

(c) Provide adequate financial, human and technical resources to the juvenile courts at sub-county level;

(d) Strengthen the role of local authorities, especially with regard to minor offences;

(e) Provide children, both victims and accused, with adequate legal assistance at an early stage of legal proceedings;

(f) Be guided in this respect by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (resolution 2005/20 of the Economic and Social Council);

(g) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(h) Ensure that detention and institutionalization of child offenders is only used as a last resort;

(i) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice.

Children belonging to a minority or indigenous group

204. The Committee notes the absence of information on ethnic minorities in the State party's report and is concerned over the situation of children belonging to minorities, in particular Oromo and Anuak, as they suffer stigmatization and persecution by the armed forces, including torture, rape and killings, due to the presence of opposition groups within their territories.

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

(a) Respect the life of the members of minorities groups and in particular that of children, taking into due account the humanitarian law principle of protecting civilians;

(b) Pay due attention to children of ethnic minorities in the next periodic report.

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

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

9. Follow-up and dissemination

Follow-up

207. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, to the Parliament, and to provincial or local governments and parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

208. **The Committee further recommends that the second periodic report and written replies submitted by the State party and the 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 monitoring.**

10. Next report

209. 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. 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: Oman

210. The Committee considered the second periodic report of Oman (CRC/C/OMN/2 or CRC/C/149/Add.1) at its 1165th and 1167th meetings (see CRC/C/SR.1165 and 1167) held on 13 September 2006, and adopted at the 1199th meeting (CRC/C/SR.1195), held on 29 September 2006, the following concluding observations.

A. Introduction

211. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues (CRC/C/OMN/Q/2). It further notes with appreciation the constructive efforts made by the cross-sectoral delegation to provide additional information in the course of dialogue.

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

212. The Committee welcomes the accession/ratification of the State party to:

(a) The International Convention on the Elimination of All Forms of Racial Discrimination on 2 January 2003;

(b) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography on 17 September 2004;

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 13 May 2005;

(d) Convention No. 138 concerning Minimum Age for Admission to Employment of the International Labour Organization (ILO) on 21 July 2005; and

(e) The Convention on the Elimination of All Forms of Discrimination against Women on 7 February 2006.

213. The Committee welcomes the State party's unique cooperation with UNICEF, particularly that the costs of the total cooperation programme as well as partial operations are covered by Government funding and that the State party has seconded four officers from the Ministries of Health, Education, National Economy and Social Development to work as part of the UNICEF Team in Oman.

C. Principal subjects of concern and recommendations

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

Committee's previous recommendations

214. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.161) made upon the consideration of the State party's initial report (CRC/C/78/Add.1) through legislative measures and policies. However, some of the concerns it expressed and recommendations it made regarding, for example, the State party's reservations to the Convention, non-discrimination, nationality, violence against children and child abuse, children with disabilities and the administration of juvenile justice, have not been sufficiently addressed.

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

Reservations

216. The Committee regrets that no progress has been made in withdrawing, or limiting the extent of, the State party's reservations to articles 7, 9, paragraph 4, 14, 21 and 30 of the Convention since the consideration of the State party's initial report (CRC/C/78/Add.1).

217. The Committee reiterates, in the light of article 51, paragraph 2 of the Convention, its previous recommendation that the State party review its reservations with a view to withdrawing them, or limiting their extent, in accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23).

Legislation

218. The Committee notes with appreciation that the Legal Committee, in cooperation with UNICEF and other competent experts, through the Ministry of Social Development, has made a comparative study of Omani legislation in relation to the provisions of the Convention. Although some legislative measures are being taken, or proposed such as a bill for the care and rehabilitation of persons with disabilities and the draft act on juveniles, to strengthen the legal protection of children, the Committee is of the view that they are insufficient. In particular, the Committee is concerned about the limited rights-based approach to children.

219. The Committee recommends that the State party continue to strengthen its efforts to provide better legal protection for children and to ensure that relevant domestic laws are in full conformity with the principles and provisions of the Convention. It also recommends that the State party expedite the adoption of the bill on the care and rehabilitation of persons with disabilities and the law on juveniles, and ensure that these laws, including all other new laws, are based on a child rights approach.

220. The Committee encourages the State party to accede to other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would have a positive impact on the implementation of the rights of the child.

National plan of action

221. The Committee takes note of the information provided by the State party in the written replies to the list of issues indicating that the Ministry of Social Development, in cooperation with the Ministry of the National Economy, UNICEF, governmental and non-governmental organizations and private bodies, is currently involved in the preparation of a national strategy for children and that in 2006 the Ministry of Health began drawing up a draft strategy for children's health based on the articles of the Convention. However, the Committee regrets that the State party has not yet adopted a national plan of action for children.

222. 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 comprehensive national plan of action for children, with concrete and time-bound targets that cover all provisions of the Convention while taking into account the outcome document adopted by the General Assembly at its 2002 special session on children, "A World Fit for Children" (resolution S-27/2, annex). It further recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for its full implementation.

Coordination

223. While welcoming the coordination activities of the National Committee for the Care of the Child and the reporting, implementation and monitoring functions of the National Follow-up Commission on the Implementation of the Convention and its sub-committees, the Committee notes with concern that the multisectoral coordination of the implementation of the Convention at all levels, including regional and local levels, remains inadequate.

224. The Committee recommends that the State party further enhance the role and capacity of the National Committee for the Care of the Child and strengthen multisectoral coordination between the bodies and institutions working on the implementation of the Convention at all levels in order to ensure adequate implementation throughout the country.

Independent monitoring

225. The Committee regrets the absence of an independent and child-sensitive monitoring structure with a mandate that includes the power to receive and address individual complaints of alleged violations of the rights of the child.

226. The Committee recommends that the State party establish an independent national human rights institution, or a child commissioner or children's ombudsperson, with a clear mandate to monitor children's rights and implement the Convention at national, regional

and local levels, in accordance with the Principles relating to the Status of National Institutions (the “Paris Principles”, annexed to General Assembly resolution 48/134). It recommends that, taking into account the Committee’s general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of human rights, such an institution be mandated to receive, investigate and address complaints from the public, including individual children, and provided with adequate financial, human and material resources.

Data collection

227. The Committee notes with appreciation the State party’s efforts to collect, analyse and disaggregate statistical data on children. However, the Committee regrets the lack of a central database on children and notes with concern the insufficient data concerning many areas covered by the Convention, particularly groups of children in need of special protection, for example, children affected by violence and abuse, including sexual abuse, children in alternative care, street children, migrant children and working children.

228. The Committee recommends that the State party continue to strengthen its mechanisms for data collection by establishing a central database on children and developing indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and disaggregated, for example, by age for all persons under 18, by sex, by urban and rural areas, and by 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.

Cooperation with civil society

229. The Committee takes note of the active role played by civil society in the provision of services, particularly health and social services, for example for children with disabilities.

230. The Committee recommends that, being guided by the recommendations adopted on the Committee’s day of general discussion on the private sector as service provider and its role in implementing child rights held on 29 September 2002 (CRC/C/121, paragraphs 630-653), the State party:

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

(b) Provide NGOs 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 that NGOs, both for profit and non-profit, comply with the principles and provisions of the Convention, for example, by providing guidelines and standards for service provision.

Dissemination/training of the Convention

231. The Committee is encouraged by the efforts of the State party to disseminate information about the Convention, for example in the form of flyers and posters, in close collaboration with UNICEF. However, the Committee is concerned that insufficient measures have been taken to disseminate and raise awareness of the civil rights and freedoms of children, and international human rights standards in general, in a systematic and targeted manner.

232. The Committee recommends that the State party strengthen its efforts to systematically disseminate information about the Convention among children, their parents and other caregivers and all relevant professional groups working with and for children. The Committee also recommends that the State party provide professionals with targeted and regular training on the provisions and principles of the Convention and international human rights standards in general. The Committee further recommends that the State party take specific measures to make the Convention available to and known by all children in Oman, paying attention to the civil rights and freedoms of children, and that the State party continue its cooperation with UNICEF in this regard.

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

Non-discrimination

233. While noting that the Basic Law of the State and other domestic laws are based on the principle of non-discrimination and that the State party has taken measures to promote the principle of equality between women and men, particularly in the domain of civil and labour laws, the Committee is concerned about the weak implementation of these laws and the persisting de facto discrimination against women and girls in Omani society. Despite the ongoing efforts of the State party to provide equal opportunities for children with disabilities, including through community-based support and services, the Committee notes that the traditional charity-based welfare approach to the issue of children with disabilities still prevails. Furthermore, discrimination against children born out of wedlock is an issue of particular concern to the Committee. As regards the high number of children of migrant workers in Oman, the Committee is concerned about discrimination on the basis of national origin in terms of social benefits, health, education and housing.

234. The Committee recommends that the State party, by effectively implementing the existing laws which guarantee the principle of non-discrimination, make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all children, paying particular attention to girls, children with disabilities, children born out of wedlock and children of migrant workers, and prioritize social and health services and equal

opportunities in education and recreational activities for children belonging to the most vulnerable groups. The Committee also encourages the State party to create a supportive gender-sensitive environment which promotes the equal rights of girls to participate in the family, at school, within other institutions, in local communities and in society in general.

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

Best interests of the child

236. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not fully included in laws, regulations and practices concerning children.

237. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is fully incorporated in legislation, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

238. The Committee notes with appreciation that, according to the information communicated by the State party, both in the written replies to the list of issues and during the dialogue with the Committee, the National Committee for the Follow-up on the Convention on the Rights of the Child held a series of meetings for Omani children from different regions of the country in order to provide them with an opportunity to express their views and ideas freely and through organized channels, and to develop their cultural, artistic and perceptive skills. However, the Committee expresses its concern that children are only allowed a very limited level of expressive freedom and that traditional perceptions of children as objects rather than subjects of rights hinder their full participation in the family, schools and local communities, as well as in judicial and administrative proceedings.

239. In the light of article 12 of the Convention, the Committee recommends that the State party notably strengthen its efforts, including in the area of legislation, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them, in accordance with the child's age and maturity. The Committee also recommends that the State party seek opportunities for children's participation at all levels of society, including: the family, schools and local communities, as well as judicial and administrative proceedings; and both continue and strengthen collaboration with civil society organizations in this respect. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.

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

Right to identity

240. As regards children born out of wedlock, the Committee notes with concern that their right to identity, including nationality, name and family relations, is not fully protected. The Committee regrets that no specific follow-up has been given to its recommendation on the right to a nationality contained in the previous concluding observations (CRC/C/15/Add.161, para. 34) and reiterates its concern that, according to the Nationality Law, children of Omani women married to non-nationals are not granted citizenship, whereas they are granted citizenship when the father is Omani.

241. In accordance with articles 2, 7 and 8 of the Convention and referring to the recommendation contained in paragraph 6 above, the Committee recommends that the State party, taking into account the principle of the best interests of the child, ensure the respect of the right of all children to preserve her or his identity, including all elements which constitute the identity of the child such as nationality, name and family relations. The Committee urges the State party to review its Nationality Law in order to ensure that an Omani mother has the right to confer Omani citizenship on her children equally and without discrimination.

Corporal punishment

242. The Committee notes that measures are being taken to address corporal punishment in the context of disciplinary measures in schools. However, the Committee is concerned that corporal punishment is widespread throughout society as a method of discipline. The Committee notes with particular concern that corporal punishment of children is lawful in the home and in institutions.

243. The Committee urges the State party to:

(a) Review its current legislation with a view to preventing and ending the use of corporal punishment 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 institutions and the alternative care system;

(b) 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

(c) Seek international technical assistance from, among others, UNICEF in this regard.

244. The Committee draws the attention of the State party to the Committee's general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

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

245. The Committee notes the establishment of the child care home which provides institutional care for orphaned children and children placed in out-of-home care due to other reasons. It also notes that over 300 children, mostly girls, are placed through *kafalah*. The Committee regrets that many children born out of wedlock lack parental care because pregnancies outside marriage are considered illegal and mothers are “corrected” for behaviour which is deemed immoral by having their children placed in alternative care. The Committee also regrets the limited information and data on children placed in alternative care, particularly regarding an evaluation of the quality of care and the review of placement, including informal forms of alternative care.

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

(a) Take appropriate measures to abolish such punishments for behaviour which is deemed immoral, which separate children from their parents and affect the right of the child to be cared for by her or his parents;

(b) Establish an effective evaluation mechanism for alternative care, including care provided by the child care home and other forms of alternative care, such as *kafalah*;

(c) Develop, standardize and control the quality of alternative care and related programmes and services in consultation with children;

(d) Ensure that children placed in institutions have access to adequate complaint and consultation mechanisms; and

(e) Provide guidance for parents and other caregivers on their child-rearing responsibilities and on children’s development, including their evolving capacities.

247. **Finally, the Committee draws the attention of the State party to the recommendations adopted on its day of general discussion on children without parental care held on 16 September 2005 (CRC/C/153, paras. 636-689).**

Violence, abuse and neglect, maltreatment

248. While noting the State party’s efforts to break the silence around the sensitive issues of child abuse and neglect, including the first-ever national workshop on the subject organized by UNICEF with the support of the Ministry of Social Development, the Committee is deeply concerned that children continue to be victims of direct and/or indirect violence and abuse in the home and notes with concern the high rate of injuries caused by the negligence of parents and other caregivers. The Committee regrets the lack of data on the magnitude of violence against children. Despite the fact that the Penal Code criminalizes sexual abuse of children, the Committee notes with concern that professionals working with and for children are not fully trained to report these cases and that the overall system to handle child abuse cases is defective.

249. In the light of article 19 and other relevant provisions of the Convention, the Committee urges the State party to:

- (a) Review domestic laws and other regulations in order to ensure that children are protected against all forms of physical, sexual and mental violence and abuse;**
- (b) Conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, develop indicators and design policies and programmes to address it;**
- (c) Improve the reporting of cases of violence against children and child abuse, for example by establishing mandatory reporting for professionals working with and for children and train professionals, such as teachers, law enforcement officials, health professionals, social workers and judges, in identifying, reporting and managing child abuse and ill-treatment cases;**
- (d) 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;**
- (e) Ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance with recovery and reintegration;**
- (f) 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;**
- (g) Establish a toll-free, 3-digit number helpline with a 24-hour service for children and facilitate the collaboration of the helpline with State agencies, such as the police, health, and social welfare systems, and child-focused NGOs in order to enhance its intervention and follow-up model; and**
- (h) Seek assistance from, among others, UNICEF and WHO.**

250. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire sent to Governments, the Committee acknowledges with appreciation the State party's participation in the Regional Consultation for the Middle East and North Africa held in Egypt from 27 to 29 June 2005 and in the follow-up to the Regional Consultation held in Egypt from 26 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 or mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

251. In addition, the Committee would like to draw the State party's attention to the report of the Independent Expert for the study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations, as well as situation specific recommendations contained in this report.

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

Children with disabilities

252. The Committee notes with appreciation the draft bill on the care and rehabilitation of persons with disabilities but regrets the lack of a national policy or strategy on persons with disabilities and the insufficient data on the wide range of disabilities in Oman and their possible causes. It also notes with concern that the service provision for children with disabilities is limited and not yet standardized and that a very limited number of children with disabilities is included in the mainstream education.

253. The Committee recommends that, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339), the State party:

(a) Expedite the adoption of the bill for the care and rehabilitation of persons with disabilities and ensure that it is built on a rights-based approach and in full conformity with the provisions and principles of the Convention;

(b) Consider developing and adopting a national policy or strategy on persons with disabilities, paying particular attention to children with disabilities;

(c) Collect adequate statistical data on children with disabilities and use disaggregated data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to girls with disabilities and children with disabilities living in the most remote areas of the country; and

(d) Provide all children with disabilities with access to adequate social and health services, including community-based support and services, inclusive quality education, the physical environment, information and communication, and continue its efforts to standardize the service provision.

Health and health services

254. The Committee commends the State party for the quality of health care services available in Oman and notes with appreciation the State party's efforts to extend health care services to the remote areas of the country. The Committee notes with appreciation the declining infant

mortality rate and the results of the successful immunization programme. Despite these positive steps taken, the Committee is concerned about malnutrition rates among children, including micronutrient deficiencies, which are generally rather high given the high gross domestic product (GDP) per capita levels. As regards exclusive breastfeeding of children, the Committee notes with regret that the length of maternity leave in the public sector has been shortened from 60 to 45 days and that the breastfeeding hour for working mothers has been abolished.

255. The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services for all children, including children of migrant workers and children living in the most remote areas of the country. The Committee recommends that the State party undertake urgent measures to improve the nutritional status of infants and children, for example, through education and promotion of healthy feeding practices on the household and community levels. The Committee recommends that the State party promote exclusive breastfeeding of children, inter alia, by extending the length of maternity leave in the public sector to comply with internationally acceptable standards and by restoring the breastfeeding hour for mothers who wish to continue breastfeeding their children for a longer period of time. Finally, the Committee recommends that the State party increase its efforts to promote compliance with the International Code of Marketing of Breastmilk Substitutes.

256. The Committee notes with concern that injuries, many of them preventable, and particularly road traffic accidents are a leading cause of childhood morbidity and mortality.

257. In order to prevent childhood injuries, the Committee recommends that the State party develop and adopt adequate legislation to protect children from injuries, including road traffic accidents. It recommends that the State party include the prevention of injuries in national policy priorities and objectives, and develop injury-control programmes. As regards road traffic accidents, the Committee recommends that the State party adopt and implement a multidisciplinary national strategy and plan of action on road safety, and continue its public campaigns to increase traffic awareness among children, parents, teachers and the public in general.

Adolescent health

258. The Committee takes note of the low level of HIV/AIDS in the State party and notes with appreciation the State party's efforts to raise general awareness of HIV/AIDS among adolescents, including the campaign "Unite for Children, Unite against AIDS" launched in 2005. However, the Committee notes with concern that adolescents know little about other sexually transmitted infections (STIs) and have limited knowledge of their own physical development during puberty. The Committee also notes with concern that many adolescents, both boys and girls, suffer from different types of mental disorders, including depression. As regards the nutritional status of adolescents, the Committee expresses its concern about the high rate of anaemia among adolescent girls and the unbalanced diet of adolescents. In addition, the Committee is concerned that the level of smoking, alcohol consumption and substance abuse among adolescents is underestimated in the State party.

259. **The Committee recommends that the State party, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child and general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child:**

(a) Promote adolescent health by establishing a national programme on adolescent health in order to support the successful transition to adulthood and ensure that this programme is rights-based, participatory and locally driven;

(b) Strengthen age-appropriate school education on sexuality and reproductive health, HIV/AIDS, sexually transmitted infections and family planning;

(c) Provide adolescents with youth-sensitive counselling and health-care services that respect privacy and confidentiality;

(d) Establish adequate mental health services tailored for adolescents;

(e) Improve the nutritional status of adolescents, for example by introducing a school nutrition programme and proposing healthy choices in school canteens;

(f) Provide adolescents with information on the harmful consequences of consuming alcohol, drugs and tobacco with a view to preventing their use;

(g) Seek technical cooperation with, among others, UNICEF, WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Population Fund (UNFPA).

Harmful traditional practices

260. The Committee notes with concern that a few communities still practice female genital mutilation in Oman. It also notes with concern the findings of the comprehensive health survey of 2001 which indicated that a very high percentage (85 per cent) of women still approved of this harmful traditional practice. The Committee strongly emphasizes that female genital mutilation is incompatible with the principles and provisions of the Convention.

261. **The Committee urges the State party to continue its efforts to end the practice of female genital mutilation, for example, through legal prohibition and the implementation of targeted programmes with a view to sensitizing the population to its extremely harmful effects. The Committee recommends that the State party involve and mobilize all partners at the local level, including teachers, midwives, traditional health practitioners and religious and community leaders, to prevent the practice of female genital mutilation. It also draws the attention of the State party to the recommendations adopted on the day of general discussion on the girl child held on 23 January 1995 (CRC/C/38, paras. 275-299).**

Standard of living

262. The Committee notes with appreciation the various measures adopted by the State party to improve the standard of living among its population, including the implementation of the seventh Five-year Development Plan (2006-2010) and the measures taken to assist low-income families

with children, for example social security transfer payments. However, the Committee regrets the lack of information on poverty in general and child poverty in particular and is concerned at reports that many families still live in economic hardship. Concern is also expressed at the regional disparities in the standard of living.

263. In the light of article 27 of the Convention, the Committee recommends that the State party continue to take measures to raise the standard of living among its population, particularly the rural population living in poverty, inter alia, through implementing the seventh Five-year Development Plan (2006-2010) and providing well coordinated financial assistance support for all economically disadvantaged families. In addition, the Committee encourages the State party to strengthen community mobilization, including the participation of children, for poverty reduction at the local level.

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

Education, including vocational training and guidance

264. While noting with appreciation that the State party provides free primary school education for all children, including non-citizen children, the Committee reiterates its concern that primary education is not yet made compulsory by law. The Committee notes as a positive factor that girls and boys have equal enrolment in primary education but it regrets that not all children are enrolled in school and that not all enrolled children complete a full course of primary education. The Committee notes the slight increase in the enrolment rate of secondary education but regrets the lack of updated information on vocational education and training. Finally, the Committee notes with appreciation the State party's efforts to incorporate human rights education in the school curricula.

265. In the light of articles 28 and 29 of the Convention and taking into account the Committee's general comment No. 1 of 2001 on the aims of education, the Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:

(a) Ensure that primary education is made compulsory by law and that all children are enrolled in school;

(b) Take measures to prevent children dropping out of primary education;

(c) Continue to take measures to increase enrolment rates in secondary education and technical and vocational training;

(d) Further strengthen efforts to improve the quality of education both in public and private schools through providing appropriate and continuous training to teachers;

(e) Continue to include human rights in general, and the rights of the child in particular, into the school curricula;

(f) Seek cooperation, among others, with UNESCO and UNICEF to further improve the education sector.

266. The Committee notes with concern the very low rate (5-8 per cent) of children enrolled in pre-primary education. While noting that the pre-primary education services have been fully entrusted to the private sector, the Committee is concerned about the low quality of pre-primary education, the severe limitation of teacher training capacity and the inadequate monitoring of private service providers.

267. The Committee recommends that the State party provide access to early childhood education for every child, including low-income families and families living in rural areas and raise the awareness and motivation of parents with respect to pre-schools and early-learning opportunities by taking into account the Committee's general comment No. 7 of 2006 on implementing child rights in early childhood. As regards the process of privatizing or contracting out pre-primary education services to the private sector, the Committee recommends that the State party set uniform quality standards for pre-primary education and enter into detailed agreements with the service providers in this regard, and ensure independent monitoring of the services provided. Finally, the Committee draws the attention of the State party to the recommendations adopted on its day of general discussion on the private sector as service provider and its role in implementing child rights held on 20 September 2002 (CRC/C/121, paragraphs 630-653).

7. Special protection measures

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

Children of migrant workers

268. As regards the large number of migrant workers, some of them without legal status, in the State party, the Committee notes with concern that the children of migrant workers are often vulnerable to violations of their human rights.

269. The Committee recommends that the State party develop and implement policies and practices that will better protect and provide basic services for children of migrant workers. It also recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Economic exploitation, including child labour

270. The Committee notes with appreciation that the State party has introduced a ban on the use of child camel jockeys and notes with appreciation that the task force established to monitor the situation of children in camel racing has held a number of meetings with race organizers and parties interested or involved in racing activities.

271. The Committee recommends that the State party take all necessary measures to effectively implement the prohibition of the use of child camel jockeys and carry out regular unannounced inspections at camel races to ensure that no children are used as jockeys. As regards prevention, the Committee also 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 ban on the use of child camel jockeys in its next periodic report to the Committee.

272. The Committee appreciates the particular efforts of the State party to prohibit the use of child labour in the formal sector but it notes with concern that some children work in the informal sector, for example, in agriculture, fishing and small family businesses.

273. In accordance with article 32 of the Convention, the Committee recommends that the State party continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector where the phenomenon is prevalent, for example by designing special programmes aimed at combating child labour. It recommends that the State party strengthen the labour inspectorate to monitor the extent of child labour, including unregulated work, through the provision of adequate human and financial resources and training. Finally, the Committee encourages the State party to seek technical assistance from the ILO and UNICEF.

Sexual exploitation and trafficking

274. While noting that domestic legislation prohibits forced child prostitution, manufacturing, acquiring or distribution of pornographic materials, bondage and slave trade, the Committee is concerned about the potential of the State party to be or become a destination country of trafficking in children, owing to the large number of migrants in search of employment. It notes with concern the lack of data and research on the prevalence of national and cross-border trafficking, child prostitution and child pornography. Concern is also expressed about the lack of a comprehensive procedure to identify children who may be victims of trafficking and the absence of adequate recovery and reintegration services for these victims.

275. In the light of articles 34, 35 and other related articles of the Convention, the Committee recommends that measures be taken to:

(a) Conduct an in-depth study on sexual exploitation of children, including trafficking in children for this purpose and, in this context, collect data on trafficking and sexual exploitation of children and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;

(b) Develop comprehensive procedures for the early identification of child victims of trafficking;

(c) 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 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(d) Seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale and trafficking of children;

(e) Seek cooperation, among others, with the International Organization for Migration (IOM), UNICEF and NGOs.

Administration of juvenile justice

276. The Committee takes note of the special administration for children in conflict with the law established within the General Administration of Criminal Inquiries and Investigation and special protection measures provided for juveniles deprived of their liberty by the Prison Regulation System No. 28/94. However, the Committee notes with concern that the minimum age of criminal responsibility, which is set at nine years, is still too low. It regrets the insufficient information and data on the implementation of current laws and penal practice. The Committee, while appreciating legislative efforts to improve the administration of juvenile justice, regrets that little progress has been made regarding the adoption of the Juvenile Law bill, which would, inter alia, provide for introducing alternative measures to deprivation of liberty and the establishment of a juvenile court system with judges who have specialized knowledge of juvenile law.

277. **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 (the Havana Rules), taking into account the recommendations adopted by the Committee on its day of general discussion on juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). It recommends in particular that the State party:**

(a) Raise, as a matter of priority, the minimum age of criminal responsibility to an internationally acceptable level;

(b) Expedite and strengthen as a matter of urgency its efforts to adopt the Juvenile Law bill with reference to the previous recommendation of the Committee (CRC/C/15/Add.161, para. 54 (c));

(c) Continue to develop and implement a comprehensive system of alternative measures to deprivation of liberty, such as probation, community service orders and suspended sentences, in order to ensure that deprivation of liberty is used only as a measure of last resort;

(d) Take the necessary measures, for example suspended sentencing and early release, to ensure that deprivation of liberty is limited to the shortest time possible;

(e) Take measures to significantly improve collection of data on all relevant aspects of the juvenile justice system in order to obtain a clear and transparent picture of the practices;

(f) Seek technical assistance from the United Nations Interagency Juvenile Justice Panel (IJJP).

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

278. The Committee welcomes the State party's accession in September 2004 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 be able to examine the implementation of the Optional Protocols, the Committee underlines the importance of regular and timely reporting practice.

279. Therefore, the Committee recommends that the State party fully meet its reporting obligations under the reporting provisions of the Optional Protocols and the Convention.

9. Follow-up and dissemination

Follow-up

280. 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 bicameral Majlis (Majlis al-Dawla and Majlis al-Shura), and to governorates, when applicable, for appropriate consideration and further action.

Dissemination

281. 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 monitoring.

10. Next report

282. The Committee invites the State party to submit a consolidated third and fourth report by 7 July 2012 (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. 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: Kiribati

283. The Committee considered the initial report of Kiribati (CRC/C/KIR/1) at its 1166th and 1168th meetings (see CRC/C/SR.1166 and 1168), held on 13 September 2006, and adopted, at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

284. The Committee welcomes the submission of the State party's initial report, which follows the guidelines for reporting, the written replies to its list of issues (CRC/C/KIR/Q/1 and Add.1) and the additional information provided. The Committee also notes with appreciation the frank and open dialogue with the high-level delegation of the State party, which allowed for a better understanding of the situation of children in Kiribati.

B. Positive aspects

285. The Committee welcomes a number of positive developments in the reporting period, including:

- (a) The adoption of the National Youth Policy and Action Plan in 2001;
- (b) The development of the National Plan of Action (2006-2008);
- (c) The establishment of the Kiribati National Advisory Committee on Children (KNACC);
- (d) The creation of the Family Assistance and Sexual Offences unit in the Kiribati Police Service;
- (e) 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.

C. Factors and difficulties impeding the implementation of the Convention

286. The Committee acknowledges the challenges faced by the State party, including those resulting from its geographical isolation and extreme vulnerability to natural disasters and external economic forces, leading to its classification as a least developed country (LDC). The Committee is also aware of the difficulties resulting from deep-rooted traditions and the differences between provisions of domestic legislation and customary law.

D. Principal subjects of concern, suggestions and recommendations

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

Reservation

287. The Committee regrets that despite the State party's previous intention to withdraw its reservations to articles 24 (paragraphs (b)-(f)), 26 and 28 (paragraphs (b)-(d)) of the Convention, the State party has not yet made a decision regarding this withdrawal.

288. The Committee recommends that the State party take the necessary steps to withdraw its reservations to articles 24, 26 and 28 of the Convention.

Legislation

289. The Committee is concerned that there is no specific legislation to protect the rights of the child and that domestic law, including customary law, is not in full compliance with the principles and provisions of the Convention and is frequently not implemented, particularly in remote areas. The Committee is further concerned that Kiribati has only ratified two of the seven core international human rights treaties.

290. The Committee recommends that the State party take effective measures, with the assistance of UNICEF, to harmonize its domestic legislation, which includes customary law, with the provisions and principles of the Convention. The Committee also recommends that the State party consider ratifying other core international human rights treaties, as recommended in the Pacific Plan for Strengthening Regional Cooperation and Integration adopted in October 2005 by the sixteen Leaders of the Pacific Islands Forum.

Coordination

291. The Committee welcomes the creation of KNACC, within the Ministry of Environment and Social Development (MESD), responsible for coordinating and overseeing the implementation of the Convention. However, the Committee regrets the scarcity of human and financial resources allocated to KNACC, which does not allow it to effectively carry out its work.

292. The Committee recommends that the State party take all necessary measures to ensure that KNACC can proactively perform its role in coordinating and implementing the rights of the child and that it is provided with sufficient human and financial resources.

Independent monitoring mechanism

293. The Committee is concerned that no independent mechanism exists to monitor, regularly evaluate and report on the implementation of the Convention.

294. **The Committee recommends that the State party consider the establishment of a national human rights institution, including the nomination of an ombudsperson for children, provided with adequate human and financial resources to promote and strengthen accessibility for children and to enable children to submit complaints. The Committee refers the State party to its general comment No. 2 of 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, UNICEF and the OHCHR in Suva, Fiji. The Committee encourages the State party to involve NGOs in its ongoing efforts to monitor the implementation of the Convention.**

National Plan of Action

295. The Committee welcomes the adoption of the National Youth Policy and Action Plan in 2001 and the recent development of a National Plan of Action (2006-2008). The Committee is concerned that inadequate resources have been allocated for the effective implementation of the National Plan of Action.

296. **The Committee recommends that the State party strengthen its efforts to adopt and implement a National Plan of Action which covers all areas under the Convention and takes into account the outcome document “A World Fit for Children” adopted by the United Nations General Assembly at its special session on children held in May 2002.**

Data collection

297. The Committee is concerned at the lack of systematic and comprehensive data disaggregated by age and sex that would enable analysis of the situation of vulnerable groups of children in the State party.

298. **The Committee recommends that the State party take measures to develop a systematic and comprehensive collection of disaggregated data, in compliance with the Convention, which should be used for the development, implementation and monitoring of policies and programmes for children.**

Resources for children

299. The Committee notes that the State party assigns significant resources to the health and education sectors. Nevertheless, the Committee is concerned about the economic difficulties that the State party encounters which prevent it from allocating more resources to children and families.

300. **The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated to the realization of children’s rights to the “maximum extent ... of available resources”, including through international cooperation, paying special attention to children who belong to economically disadvantaged groups. The State party should ensure that international cooperation in its various forms also supports activities to implement the Convention.**

Dissemination of the Convention

301. The Committee is concerned that the Convention has not been fully incorporated into domestic legislation which could lead to a conflict between domestic laws and the provisions of the Convention. The Committee is also concerned that no apparent efforts have been undertaken by the State party to disseminate the Convention or to make it known to relevant stakeholders, including children and their parents, and professionals working with and for children.

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

- (a) **Initiate the process of incorporating the Convention into its domestic law;**
- (b) **Take steps to disseminate the Convention, including through the use of the radio, as well as child-friendly materials and school curricula in primary and secondary schools;**
- (c) **Expand its programmes to sensitize children and parents about the Convention;**
- (d) **Ensure that the Convention and related domestic legislation form an integral part of the education and training of professional groups working with and for children, including judges, lawyers, teachers and social workers, to firmly establish in Kiribati a legal culture supportive of the rights of the child.**

Cooperation with civil society

303. The Committee welcomes the participation of NGOs in the work of KNACC and the creation of the Kiribati Association of Non-Governmental Organizations (KANGO). However, the Committee notes that there are few associations which are active on issues related to the rights of the child.

304. **The Committee recommends that the State party take measures to facilitate the creation of NGOs working on the rights of the child and their active involvement in KANGO.**

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

305. The Committee is concerned that there is no single definition of a child in Kiribati and that the various definitions of youth lead to practical contradictions and confusion.

306. **The Committee recommends that the State party amend all relevant legislation to remove sources of confusion and harmonize the definition of the child, taking into account the provisions of the Convention.**

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

Non-discrimination

307. The Committee welcomes the indication by the State party that the gender gap in school enrolment has decreased. However, the Committee is concerned at reports of persistent discrimination experienced by children from economically disadvantaged families.

308. In the light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against children from economically disadvantaged families.

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

Best interests of the child

310. 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.

311. 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 ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures.

Respect for the views of the child

312. The Committee welcomes the efforts of the State party to promote and implement the right of children to express their views and actively participate in various levels of society. However, the Committee is concerned at the persistence of traditional attitudes in the State party which limit children's rights to participate and to express their views.

313. The Committee recommends that the State party take into account the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006 and adopt measures, including:

(a) Strengthening its efforts to promote within the family, communities, schools and other institutions respect for the views of children, especially girls, and to facilitate their participation in all matters affecting them;

(b) Strengthening national awareness-raising campaigns to change traditional attitudes that limit children's right to participation; and

(c) Regularly reviewing the extent to which children's views are taken into account, including their impact on relevant policies and programmes.

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

Birth registration

314. The Committee is concerned that registration at birth is not a systematic procedure and that a large number of children in the State party are not registered.

315. The Committee recommends that the State party strengthen its efforts to ensure that all children are registered at birth to ensure the full enjoyment of their rights. The Committee also recommends that the State party take measures to promote the importance of birth registration for all children, including through awareness-raising initiatives and access to free and effective registration technology in Government offices.

Corporal punishment

316. The Committee is concerned that corporal punishment is not explicitly prohibited, and is still widely practiced in the home and schools and used as a disciplinary measure in alternative care settings. The Committee is also concerned that under article 226 of the Penal Code, "reasonable punishment" is permitted in penal institutions and by order of island councils.

317. The Committee recommends that, taking into account its general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the State party:

(a) Amend all relevant legislation, in particular article 226 of the Penal Code, to ensure that corporal punishment is explicitly prohibited in the family, schools, penal institutions, alternative care settings and as a traditional form of sentencing;

(b) Take effective measures, including through public awareness campaigns involving children and traditional leaders, to promote positive, participatory and non-violent forms of discipline as an alternative to corporal punishment at all levels of society, and to effectively implement the law prohibiting corporal punishment.

Violence, abuse and neglect

318. The Committee is concerned at the high number of reported cases of violence and child abuse, including sexual abuse, and reports that victims of rape are often shunned by their community. While the Committee welcomes the establishment of a Family Assistance and Sexual Offences unit in the Kiribati Police Service, it is concerned at the lack of comprehensive measures to address this serious phenomenon.

319. The Committee recommends that the State party take all necessary measures to prevent and address violence against children and child abuse, including by:

- (a) Establishing an effective mechanism to receive, monitor and investigate reports of child abuse and neglect;**
- (b) Developing and implementing preventive measures, including awareness-raising campaigns involving children and traditional leaders, to combat all forms of violence against children;**
- (c) Ensuring that appropriate data on child abuse and neglect are gathered and disaggregated by age and sex;**
- (d) Providing victims with adequate protection, as well as psychological support, recovery and social reintegration assistance and ensuring that all perpetrators of sexual and other forms of child abuse are brought to justice.**

320. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire sent to Governments, the Committee acknowledges with appreciation the participation of the State party in the Regional Consultation for East Asia and the Pacific held in Thailand from 14 to 16 June 2005 and in the Pacific Consultation on Addressing Violence against Children held in Fiji from 26 to 28 September 2005. 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 or mental violence, and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

321. In addition, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement the overarching recommendations and situation specific recommendations contained in this report.

5. Family environment and alternative care

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

Children deprived of their family environment

322. The Committee notes that collective living arrangements in Kiribati offer solutions for the care of children by the extended family. However, the Committee is concerned that the best interests of the child are not a priority in decision-making processes.

323. The Committee recommends that the State party systematically apply criteria based on the best interests of the child and develop informal family-based alternative care solutions. The State party is encouraged to seek technical assistance in this regard from, among others, UNICEF.

Adoption

324. The Committee notes the practice of “informal adoption,” but is concerned that in some cases, the best interests of the child are not fully respected. The Committee is also concerned that the absence of monitoring and regulations may result in illegal domestic or intercountry adoption.

325. The Committee recommends that the State party:

(a) Take appropriate measures to ensure that the best interests of the child are fully respected in the practice of so-called “informal adoption”;

(b) Strengthen its efforts to prevent illegal adoptions and ensure that its legislation and practice on both national and intercountry adoptions is brought into line with the Convention, and ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993; and

(c) Establish effective mechanisms to review, monitor and follow up the adoption of children.

6. Basic health and welfare

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

Children with disabilities

326. While noting that children with mental and physical disabilities are protected from discrimination under section 15 of the Constitution, the Committee notes with concern that the resources available for these children are inadequate. The Committee is concerned, in particular, that schooling is not possible for all children with disabilities, especially in remote areas, and that possibilities for inclusion of children with disabilities have not been explored.

327. The Committee recommends that, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (see CRC/C/69, paras. 310-339), the State party take all necessary measures to:

(a) Address all forms of discrimination, including social discrimination and discrimination against children with disabilities in remote areas, giving due consideration to implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex);

(b) Pursue its efforts 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

328. The Committee notes that the State party has taken steps to adopt national health plans and to ensure broad-based immunization for all children in Kiribati. The Committee welcomes the efforts made by the State party in the areas of maternal and child health, and the steps taken to develop sanitation and public health education programmes, as well as to establish solid waste disposal facilities. However, the Committee is concerned that access to these sewage disposal facilities and to clean water is restricted. The Committee is also concerned at reports of high rates of infant and child mortality, acute respiratory infection and diarrhoea, and severe malnutrition among children.

329. The Committee recommends that the State party continue to strengthen its efforts to improve the health situation of all children, with particular attention paid to the establishment of effective and accessible primary health care services.

Adolescent health

330. The Committee is concerned at reports of an increasing number of children who abuse drugs and consume alcohol and tobacco. The Committee is also concerned about the increasing rates of attempted suicides among young people, sexually transmitted infections (STIs), teenage pregnancies and the absence of programmes related to mental health and reproductive health.

331. The Committee recommends that the State party pay close attention to adolescent health, taking into account the Committee's general comment No. 4 of 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) Formulate a rights-based plan of action for the protection of all children, and particularly adolescents, from the dangers of drugs and harmful substances, and involve children in its formulation and implementation;

(b) Provide children with accurate and objective information about the harmful consequences of substance abuse;

(c) Ensure that children using drugs and harmful substances are treated as victims and not as criminals, and develop recovery and social reintegration services for child victims of substance abuse;

(d) Strengthen reproductive health education for adolescents, especially in schools, with a view to reducing STIs and the incidence of teenage pregnancies, and provide teenage pregnant girls with the necessary assistance and access to health care and education;

(e) Continue and strengthen technical cooperation from WHO and UNICEF.

Environmental health

332. The Committee is concerned about traditional practices that have resulted in the multipurpose use of the ocean by a large proportion of the population in Kiribati. In the absence of any practical preventive measures, the Committee is concerned about the ecological dangers of these practices.

333. The Committee recommends that the State party continues to undertake efforts to install an effective system for sewage disposal and conduct a sensitization campaign to promote new practices in the use of water and sanitation. The Committee recommends that the State party seek international technical cooperation in this regard.

HIV/AIDS

334. The Committee is concerned at the increased prevalence of HIV/AIDS among adolescents and the lack of knowledge about the potential for an epidemic in the country. The Committee is also concerned at the absence of awareness-raising and prevention programmes.

335. The Committee recommends that, taking into account the Committee's general comment No. 3 of 2003 on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, the State party take action, including by:

(a) Strengthening its efforts to combat the spread of HIV/AIDS, including through awareness-raising campaigns, and ensuring the availability of confidential, voluntary testing;

(b) Preventing discrimination against children infected with and affected by HIV/AIDS;

(c) Ensuring access to child-sensitive and confidential counselling, when such counselling is required by a child;

(d) Adopting measures to prevent mother-to-child transmission of HIV and other STIs;

(e) Seeking international assistance from, among others, UNAIDS, the United Nations Populations Fund (UNFPA), UNICEF and WHO.

Standard of living

336. The Committee recognizes that children and their families are severely impacted by the economic vulnerability of Kiribati. It is concerned that large numbers of families live in economic hardship, near or below the level of subsistence, especially in South Tarawa, and suffer from the effects of overcrowding and limited economic opportunities. The Committee takes note of the high number of job-seeking adolescents and is concerned at the difficulties of transition from school to the labour market, experienced in particular by children who dropped out before graduation.

337. The Committee recommends that the State party ensure that:

- (a) Financial support is provided to families living under restricted economic conditions and that it includes the provision of school lunches and educational allowances;**
- (b) Schools assist families, particularly disadvantaged families, with regard to child care and education and provide facilities for special education programmes;**
- (c) Families are provided with adequate and affordable housing;**
- (d) Youth unemployment is prevented, by assisting adolescents who seek an occupation.**

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

Education, including vocational training and guidance

338. The Committee welcomes the reported increased access to primary and secondary education and the consequential increase in enrolment rates, as well as the reduction of the gender gap. However, the Committee is concerned that the quality of education available to students is decreasing, the access to adequate educational facilities for children in remote areas remains limited, the cost of education is often prohibitive, and the absence of training required for teachers is leading to low-quality teaching and to disparities in pre-school education. The insufficient bilingual education in English and I-Kiribati is also a cause of concern as it negatively impacts access to higher education, which is only available in English in neighbouring countries. The Committee regrets that aside from informal vocational training provided by national NGOs, there are no vocational or educational opportunities within or outside the formal school system.

339. The Committee recommends that the State party take measures, inter alia, by:

- (a) Increasing budgetary allocation to ensure access to free primary and quality education in all regions and to improve the physical infrastructure of educational facilities;**
- (b) Strengthening its efforts to bridge the gaps in the availability of education throughout the country, including the availability of school materials;**
- (c) Strengthening vocational programmes for children, including those who do not attend regular school;**
- (d) Improving the training and recruitment of teachers;**
- (e) Facilitating the use of new technology, including e-learning and blended learning.**

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

Economic exploitation, including child labour

340. The Committee notes with concern that despite legislation setting the minimum age for admission to work at 14 years, many children under the age of 14 work, primarily in the informal sector of the economy, either full-time, or outside school hours.

341. The Committee urges the State to strengthen measures to combat child labour. It recommends that the State party take steps to prevent child labour, including by:

(a) Formulating, in a participatory manner, a strategy and plan of action to prevent child labour and eliminate the worst forms of child labour, and to safeguard the rights of children who are legally allowed to work;

(b) Strengthening the labour inspectorate to ensure the effective implementation of child labour laws, both in the formal and informal sectors;

(c) Considering the ratification of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (1973) and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(d) Seeking assistance from the ILO International Programme on the Elimination of Child Labour (IPEC) in this respect.

Sexual exploitation

342. The Committee is concerned at the reported increase in commercial sexual exploitation of children in Kiribati.

343. The Committee recommends that the State party take measures, including:

(a) Conducting a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation of children and young people in Kiribati;

(b) Proceeding with plans to amend the Penal Code to make the exploitation of and trafficking in children criminal offences;

(c) Strengthening measures and adopting multidisciplinary and multisectoral approaches to prevent and combat sexual exploitation of children and adolescents;

(d) Undertaking awareness-raising campaigns, particularly for parents and children;

(e) Ensuring that children who have been subjected to sexual and economic exploitation are treated as victims and that perpetrators are brought to justice;

(f) Providing adequate programmes of assistance and social reintegration for sexually exploited 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) Collaborating with NGOs working on these issues and seeking technical assistance from, among others, UNICEF.

Street children

344. The Committee is concerned at reports that a number of children are selling goods in the street and are homeless. In view of the economic difficulties faced in Kiribati, the Committee is concerned that there is no systematic, comprehensive strategy to provide these children with adequate assistance.

345. The Committee recommends that the State party:

(a) Undertake a study on the causes and scope of the situation of street children in Kiribati and develop a strategy with the aim of preventing and reducing this occurrence 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;

(c) Ensure that these children are provided with rehabilitative and reintegration services, including psychosocial assistance for physical, sexual and substance abuse, as well as, where possible and when in the best interests of the child, services for reconciliation with their families.

Administration of juvenile justice

346. The Committee is concerned that there is no specific legislation on juvenile justice. It is also concerned at the serious practical shortcomings of the juvenile justice system and the inconsistencies that exist between various domestic laws and regulations. The Committee is further concerned that persons between 16 and 18 years of age are detained with adults. The lack of adequate alternatives for pre-trial and other forms of detention and of guarantees for due process, and the poor living conditions faced by children detained in police stations or prisons are also issues of concern.

347. The Committee urges the State party to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the

Havana Rules), taking into account the recommendations adopted by the Committee on its day of general discussion on juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). In particular, the Committee recommends that the State party:

- (a) Develop specific and appropriate legislation on juvenile justice;
- (b) Ensure that due process is guaranteed, including a hearing by a judge before deprivation of liberty is carried out;
- (c) Develop and implement alternatives to pre-trial and other forms of detention in order to ensure that deprivation of liberty really is a measure of last resort for the shortest time possible, and when detained, ensure that persons under 18 are not detained with adults;
- (d) Develop and implement adequate socio-educational programmes and appropriate probation and parole arrangements for juvenile offenders;
- (e) Develop and implement responses from the ideas of restorative justice, including mediation, alternative dispute resolution and family conferencing;
- (f) Strengthen training on the Convention and other relevant standards for those responsible for administering juvenile justice;
- (g) Seek assistance from, inter alia, the United Nations Interagency Juvenile Justice Panel (IJJP).

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

348. 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. Follow-up and dissemination

Follow-up

349. 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 Members of Parliament for appropriate consideration and further action.

Dissemination

350. The Committee further recommends that the initial 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, civil society organizations, youth groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

351. The Committee invites the State party to submit a consolidated second, third and fourth periodic report by 9 July 2011 (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. 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: Swaziland

352. The Committee considered the initial report of Swaziland (CRC/C/SWZ/1) at its 1173rd and 1175th meetings (see CRC/C/SR.1173 and CRC/C/SR.1175), held on 18 September 2006, and adopted, at the 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

353. The Committee welcomes the submission of the initial report as well as the written replies to its list of issues (CRC/C/SWZ/Q/1). It commends their self-critical and analytical nature, which gave a better understanding of the situation of children in the State party.

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

B. Positive aspects

355. The Committee welcomes a number of positive developments in the reporting period, *inter alia*:

(a) The adoption of the Constitution Act of 2005, which incorporates human rights in domestic law and contains specific provisions regarding the recognition and protection of the rights of the child;

(b) The amendment of the Criminal Procedure and Evidence Act (Section 223 bis), which resulted in the establishment of the Children's Court within the High Court in 2005;

(c) The adoption of the National HIV and AIDS policy and the Second National Strategic and Action Plan (2006-2008);

(d) The establishment of the Ministry of Regional Development and Youth Affairs in April 2006;

(e) The establishment of the Children's Centre Clinical Excellency, a special health facility for children infected with HIV/AIDS.

356. The Committee also welcomes the ratification of the following international human rights instruments:

(a) The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004;

(b) ILO Conventions No. 138 (1973) concerning 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, in October 2002;

(c) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, in November 1996.

C. Factors and difficulties impeding the implementation of the Convention

357. The Committee acknowledges that the HIV/AIDS pandemic facing the State party had, and continues to have, a negative impact on the situation of children and hampers the full implementation of the Convention. The Committee further notes that drought and the related lack of food security also adversely affect the full implementation 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)

Legislation

358. The Committee welcomes the enactment of the Constitution in 2005, which includes provisions which aim at guaranteeing that children are afforded special protection. It also notes that a children's bill and a sexual offences and domestic violence bill are currently being discussed in the State party. However, the Committee remains concerned at the lack of a systematic and comprehensive legislative review regarding compatibility of domestic legislation, policy and practice with the Convention.

359. The Committee recommends that the State party expedite as much as possible the adoption of the above-mentioned bills and strengthen its efforts to bring domestic laws into full compliance with the Convention. The Committee also recommends that the State party seek the assistance of UNICEF, in order to have an adviser to the Parliament on these issues.

Coordination

360. While noting with appreciation the intention to establish the child coordinating unit, the Committee is particularly concerned at the fact that the unit is not yet operational and that, although it appreciates that there is a multitude of Government agencies, NGOs and community-based initiatives involved in the promotion and protection of child rights, the country lacks effective coordination in this area.

361. **The Committee recommends that the State party take all necessary measures for an effective start of the work of the child coordinating unit by January 2007 and provide it with the necessary resources in order to allow the unit to fully and effectively coordinate the activities of governmental bodies, NGOs and others regarding the implementation of the Convention and effectively perform the other tasks under its mandate (monitoring, evaluation, research).**

National Plan of Action

362. The Committee welcomes the recent adoption of a national plan for orphans and vulnerable children for 2006-2010. The Committee also notes that a comprehensive children's policy formulated in 2003 is awaiting Cabinet approval.

363. **The Committee encourages the State party to ensure that the national plan for orphans and vulnerable children covers all areas under the Convention, and takes into account the outcome document "A world fit for children" adopted by the General Assembly at its special session on children held in May 2002, and that sufficient human and financial resources are provided for its full and effective implementation at all levels. The Committee also encourages the State party to ensure the wide participation of civil society, including children and youth, in all aspects of the implementation process. It requests the State party to provide information in its next periodic report on the adjustment, implementation, outcomes and evaluation of the national plan.**

Independent monitoring

364. The Committee expresses its concern at the lack of an independent mechanism with a specific mandate to regularly monitor and evaluate progress in the implementation of the Convention on the Rights of the Child, and which is empowered to receive and address individual complaints on behalf of, or from, children.

365. **The Committee recommends that the State party establish an independent body for monitoring the implementation of the Convention in accordance with the Paris Principles (General Assembly resolution 48/134) and the Committee's general comment No. 2 2002 on national human rights institutions. Such a body should be provided with adequate human and financial resources, be easily accessible to children and deal with complaints from children in a child-sensitive manner. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR.**

Resources for children

366. The Committee acknowledges the increase in resource allocation in the field of education. It is concerned, however, at the low allocation of budgets for the protection and promotion of children's rights, particularly in the areas of health and child protection.

367. In the light of article 4 of the Convention, the Committee urges the State party to prioritize and increase budgetary allocations for children at both national and local levels to ensure the implementation of the rights of the child at all levels, and in particular to pay attention to the protection of the rights of children belonging to vulnerable groups, including children affected by and/or infected with HIV/AIDS, children living in poverty, children with disabilities and those in rural areas.

Data collection

368. The Committee shares the State party's concern at the lack of a comprehensive data collection system for, inter alia, child mortality, adolescent health, children without parental care, and children with disabilities.

369. The Committee encourages the State party to continue to strengthen its system of collecting disaggregated data as a basis for assessing 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, UNICEF.

Dissemination, training and awareness-raising

370. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, the development of training programmes for various stakeholders involved in the implementation of the Convention. Nevertheless, it is of the opinion that additional progress needs to be made with regard to raising awareness of the Convention, especially in rural areas.

371. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in rural areas, health personnel, social workers and staff in childcare institutions, as well as traditional and local leaders. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education.

Cooperation with civil society

372. While appreciating the support provided to NGOs in addressing the plight particularly of vulnerable children, the Committee is of the opinion that the role of civil society, and in particular that of NGOs, should be further strengthened in the promotion and implementation of the Convention.

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

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

374. The Committee is concerned at the lack of clarity under common law and the customary law in the State party regarding the definition of the child and the minimum age for marriage.

375. The Committee recommends that the State party develop and implement a clear definition of the child in accordance with article 1 of the Convention on the Rights of the Child, to expedite the preparation, adoption and enactment of the marriage bill, which intends to set the minimum age for marriage at 18 years for both boys and girls, and to prevent the practice of early marriages.

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

Non-discrimination

376. The Committee welcomes the fact that the Constitution has addressed the issue of non-discrimination, in particular with regard to persons born out of wedlock. Nevertheless, the Committee is concerned that, as noted by the State party, national legislation is inconsistent with the non-discrimination provisions of the Convention. The Committee is also concerned that de facto societal discrimination persists against vulnerable groups of children, including children with disabilities, street children, children living in rural areas, children born out of wedlock, orphans and children living in foster care and children affected or infected by HIV/AIDS. The Committee is deeply concerned at the situation of girls, in particular adolescent girls who suffer marginalization and gender stereotyping, compromising their educational opportunities and who are more vulnerable to sexual violence, abuse and HIV/AIDS.

377. The Committee recommends that the State party:

(a) Revise legislation to ensure that all children within its territory enjoy all rights set out in the Convention without discrimination on any grounds, in accordance with article 2;

(b) Prioritize and target social services for children belonging to the most vulnerable groups;

(c) Pay special attention to the situation of girls through education campaigns, participation, support and protection;

(d) Include specific information in the next periodic report on the measures, legislative and otherwise, undertaken by the State party to combat discrimination on any grounds and against all vulnerable groups.

378. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the

Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 of 2001 on the aims of education.

Best interests of the child

379. 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.

380. 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 ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures.

Respect for the views of the child

381. While noting with appreciation the efforts made by the State party to give children the opportunity to express their views in public forums, the Committee remains concerned that traditional societal attitudes appear to limit children in freely expressing their views in schools, communities or within the family, and that so-called cautionary rules limit the due weight given to their views in judicial or administrative proceedings.

382. The Committee recommends that the State party strengthen its efforts to ensure that children be given adequate opportunity to express their views freely in the family, schools, communities and other settings and that those views are given due weight in judicial and administrative proceedings, in accordance with article 12 of the Convention. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.

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

Right to nationality

383. While noting that the Constitution addresses the right to identity, the Committee is nevertheless concerned that the child does not derive his or her citizenship through the mother unless the child is born outside of marriage and is not adopted or claimed by the father.

384. As a matter of non-discrimination and in the best interests of the child, the Committee recommends that the State party take the necessary legislative measures to ensure that a child can derive nationality not only from the father, but also from the mother.

Birth registration

385. The Committee notes with appreciation the various efforts undertaken by the State party to improve birth registration but remains concerned at the considerable number of children not registered at birth (or later).

386. In the light of article 7 of the Convention, the Committee recommends that the State party strengthen and further develop measures to ensure that all children born within the national territory are registered by, inter alia, making birth registration easy and free of charge and introducing mobile units, especially in rural areas. The Committee further urges the State party to proceed with the registration of those children who have thus far not been registered.

Corporal punishment

387. The Committee is deeply concerned that corporal punishment is legal and traditionally accepted and widely practised in the family, in schools and in other settings. The Committee is further concerned that the new Constitution allows the use of “moderate chastisement” of children.

388. The Committee recommends that the State party consider, as a matter of priority, amending the Constitution and explicitly prohibiting by law corporal punishment in all settings, including the family, schools, the penal system and all alternative care settings. It also recommends that the State party conduct awareness-raising and educational campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28, paragraph 2, taking into account its general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of 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)

Family environment

389. The Committee appreciates the efforts being made by the State party at chiefdom and local levels to provide care and support for vulnerable families and children, including through the establishment and construction of “Kagogo” centres (“granny’s place”).

390. The Committee recommends that the State party take the necessary steps to strengthen psychosocial and financial support for families and children at the local level.

Children without parental care

391. The Committee notes that the State party, in cooperation with civil society, has developed many programmes to provide care and support to orphans and vulnerable children. Despite these developments, the Committee remains deeply concerned about the impact the high rate of

HIV/AIDS has on children who have lost one or both parents and the need to provide them with adequate alternative care. The Committee is further concerned at the lack of guidelines for the operation of orphanages.

392. The Committee recommends that the State party:

- (a) Develop an effective and comprehensive policy addressing the needs of children without parental care;**
- (b) Effectively support programmes for children in vulnerable families, particularly those affected by HIV/AIDS and families suffering from poverty;**
- (c) Provide psychosocial and financial support to extended families that care for children of parents who have died of AIDS and for child-headed households;**
- (d) Promote and support family-type forms of alternative care for children deprived of parental care, in order to reduce the resort to residential care;**
- (e) Develop clear standards for the operation of orphanages and ensure their implementation via an effective inspection system;**
- (f) Establish confidential complaints and counselling mechanisms to which children have access;**
- (g) Take into account the Committee's day of general discussion on children without parental care held on 16th September 2005 in the development of its policy and activities.**

Adoption

393. The Committee notes that the State party's childcare law requires that all adoptions must go through the Social Welfare Department. The Committee welcomes the fact that a new bill addresses the issue of intercountry adoption. The Committee also welcomes the fact that the State party is already in the process of ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Nevertheless, the Committee notes with concern that certain organizations that deal with intercountry adoption do not go through the Social Welfare Department.

394. The Committee recommends that the State party ensure that its legislation is in conformity with article 21 of the Convention. The Committee also encourages the State party to expedite its ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

Child abuse and neglect

395. The Committee welcomes the establishment of a domestic violence, child protection and sexual offences unit within the Royal Swaziland Police. However, the Committee remains concerned at the lack of a comprehensive policy for the prevention and combat of child abuse and neglect in the family. The Committee is also concerned that many child victims have only limited access to justice due to the prohibitive costs associated with the services of legal counsel.

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

- (a) Take the necessary measures to prevent child abuse and neglect, including, inter alia, preventive public education campaigns about the negative consequences;**
- (b) Establish, in addition to existing procedures such as local child protectors, effective mechanisms to receive, monitor and investigate reports of cases of child abuse and neglect;**
- (c) Provide ongoing training for members of the unit mentioned above and for other professionals dealing with cases of child abuse and neglect;**
- (d) Provide victims of child abuse and neglect with special care and counselling for their recovery and social reintegration;**
- (e) Strengthen the existing hotline for children by taking measures to develop it into a 24-hour toll-free child helpline accessible for all children;**
- (f) Take the necessary steps to set up free national legal aid and mediation or other appropriate services to deal with matters relating to children, including sexual abuse and maintenance, and provide it with adequate human and financial resources.**

397. **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 to this questionnaire 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 as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, timebound actions to prevent and respond to such violence and abuse.**

398. **In addition, the Committee would like to draw the State party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations, as well as setting specific recommendations contained in this report.**

6. Basic health and welfare

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

Children with disabilities

399. The Committee is concerned about the discrimination against children with disabilities. It notes with concern that equal opportunities for children with disabilities are jeopardized, e.g. by their limited access to health, education, sporting facilities and the physical environment, and that social stigma, fears and misconceptions surrounding disabilities remain strong in society, leading to the marginalization and alienation of these children. It is further concerned that children are doubly disadvantaged if they live in rural and remote areas.

400. The Committee recommends that the State party, while taking into account the 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 held on 6 October 1997 (see CRC/C/69, paras. 310-339), take all necessary measures:

(a) To prevent and prohibit all forms of discrimination against children with disabilities and ensure that they have equal opportunities to participate fully in all spheres of life, by implementing the domestic laws and taking disability into account in all relevant policy-making and national planning;

(b) To raise awareness about children with disabilities, including their rights, special needs and potential, in order to change prevailing negative attitudes, misbeliefs and prejudices against children with disabilities by initiating and supporting public information campaigns;

(c) To collect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children living in the most remote areas of the country;

(d) To provide children with disabilities with access to adequate social and health services, to quality education, to the physical environment, and to information and communication;

(e) To ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers, are adequately trained.

401. Furthermore, the Committee encourages the State party to pay particular attention to the rights and status of children with disabilities in the context of the African Decade of Persons with Disabilities (1999-2009).

Health and health services

402. The Committee is concerned at the insufficient availability of basic healthcare services and shortage of staff in healthcare facilities in the State party. Access to clean water, poor sanitation facilities and the problem of child nutrition remain among the major challenges.

403. In this regard, the Committee recommends in particular that the State party:

(a) Take all necessary measures to strengthen its programmes for improving health care by, inter alia, supporting these programmes with adequate budgetary allocations and human and other resources;

(b) Support the communities in their responsibility to ensure that all children have adequate nutrition and hygiene, including school meals and alternative sources of meals for orphaned and vulnerable children during school holidays (e.g. through the neighbourhood Care Points), and engage communities, including young people, in initiatives to increase self-sufficiency in food production;

(c) Invest in the provision of at least one point of access to safe drinking water in each neighbourhood, preferably at a location where other services, such as early childhood development and orphan care support, can be provided.

HIV/AIDS

404. The Committee, while acknowledging the various efforts of the State party to prevent and combat HIV/AIDS, inter alia through providing free antiretroviral drugs, free voluntary testing and counselling, and the creation of a centre to support HIV-infected children, is deeply concerned at the high rate of HIV/AIDS in the State party and the devastating impact this has on children, with the number of orphaned and vulnerable children currently projected at well over 70,000.

405. The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 of 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, and to prevent discrimination against children infected with and affected by HIV/AIDS;

(b) Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS that includes all preventive measures, and the complementarity of the different approaches for different age groups;

(c) Ensure access to child-sensitive and confidential counselling when such counselling is required by a child;

(d) Continue to strengthen its efforts to prevent mother-to-child transmission of HIV;

(e) Seek international assistance from, among others, UNAIDS and UNICEF, to that effect.

Adolescent health

406. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the relatively high percentage of early marriages and early pregnancies, which can have a negative impact on their health and development.

407. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 of 2003 on adolescent health and development in the context of the Convention on the Rights of the Child:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of

early pregnancies and sexually transmitted infections (STIs), especially through reproductive health education. Such a study should include an evaluation of the impact of traditional practices on adolescent health;

(b) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents.

Adequate standard of living

408. The Committee welcomes efforts by the State party to reduce poverty by developing a poverty alleviation strategy, but is concerned at the high poverty rate, particularly among children and families in rural areas, which severely impedes children's access to health services and to education.

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

(a) Strengthen its efforts to reduce widespread economic hardship of families;

(b) Abolish the prohibition of land ownership by women, particularly widowed mothers and orphans;

(c) Improve the food supply system established by the National Food and Nutrition Plan of Action (1997).

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

410. The Committee is encouraged by the significant percentage of the State party's gross domestic product (GDP) that is allocated to education and the provision by the State party of grants to support orphans and vulnerable children. The Committee notes that available data demonstrates that much of the GDP allocation to education is spent on universities rather than on primary and secondary schools. The Committee welcomes the fact that the Constitution makes provision for free education of all children up to the end of primary level, within three years of its entering into force. The Committee also welcomes the adoption in 2005 of the Universal Primary Education Plan, which the State party has begun implementing. Nevertheless, the Committee is concerned at the high rates of repetition and dropouts, as well as the extremely low completion rates in schools.

411. **The Committee recommends that the State party, taking into account its general comment No. 1 of 2001 on the aims of education:**

(a) Increase enrolment in primary and secondary education, reducing socio-economic and regional disparities in access to and full enjoyment of the right to education, and take specific measures to reduce the high rates of repetition and dropouts as well as to significantly increase the completion rates in school;

(b) Improve the quality of education through an increase in the number of well-trained teachers, reform of the curriculum and better equipping of schools with materials;

(c) Undertake additional efforts to ensure access to formal and informal education to vulnerable groups, including orphans, children with disabilities, and children living in poverty, inter alia by eliminating the indirect costs of school education;

(d) Strengthen vocational training, including for children who have left school before completion.

8. Special protection measures

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

Economic exploitation, including child labour

412. The Committee notes the brief assessment of child labour that was undertaken in the State party but is concerned about the limited information on measures the State party intends to take, or has undertaken, to prevent and eliminate child labour.

413. **The Committee urges the State party to develop and implement, with the support of the ILO, UNICEF, and national and international NGOs, a comprehensive programme to prevent and combat child labour, in full compliance with ILO Conventions No. 138 (1973) and No. 182 (1999) which the State party has ratified.**

Sexual exploitation

414. The Committee is alarmed at the increasing rate of sexual exploitation and sexual abuse in Swaziland, as noted in the State party report.

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

(a) Take appropriate legislative measures, including expediting the adoption of the draft law on sexual offences and domestic violence, and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;

(b) Strengthen awareness-raising and educational measures, including the intensification of media programmes, peer group intervention through age and cultural strategies and open discussion at the tinkhundla level; ensure that child victims of sexual exploitation are not criminalized or penalized; and implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses Against Commercial Sexual Exploitation of Children.

Drug abuse

416. The Committee notes with concern the information that drug abuse is an increasing problem in the State party. It is further concerned at the lack of legislation to address drug abuse by children.

417. The Committee recommends that the State party take measures to prevent and reduce 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, WHO and UNICEF.

Juvenile justice

418. While welcoming the establishment of a children's court in 2005, the Committee is nevertheless concerned at the lack of a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at:

- (a) The low minimum age for criminal responsibility (7 years);
- (b) The fact that children, in particular girls, are detained together with adults;
- (c) The lack of rehabilitation and reintegration programmes for juvenile offenders;
- (d) The lack of training programmes for professionals working in the juvenile system;
- (e) The use of corporal punishment as a sanction for juveniles.

419. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 39 and 40 of the Convention, as well 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 (the Havana Rules), and in the light of the Committee's day of general discussion on the administration of juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). In particular the Committee recommends that the State party:

- (a) Raise the age of criminal responsibility as a matter of urgency and ensure that it complies with acceptable international standards;**
- (b) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**
- (c) Strengthen the children's court by providing it with adequate human and financial resources and ensure that, particularly in rural areas, well-trained judges deal with children in conflict with the law;**
- (d) Ensure that the deprivation of liberty of a juvenile is a matter of last resort and takes place for as short a time as possible and that detained girls are separated from adult women;**
- (e) Provide children with legal assistance at an early stage of legal proceedings;**
- (f) Abolish, as a matter of urgency, the use of corporal punishment as a sanction in the juvenile justice system;**

(g) Ensure that children are provided with an effective complaints mechanism;

(h) Seek technical assistance from the United Nations Interagency Juvenile Justice Panel (IJJP).

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

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

10. Follow-up and dissemination

Follow-up

421. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, to the Parliament, and to local governments and parliaments, when applicable, for appropriate consideration and further action.

Dissemination

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

11. Next report

423. The Committee invites the State party to submit a consolidated second, third and fourth report by 5 April 2011 (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. 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: Senegal

424. The Committee considered the second periodic report of Senegal (CRC/C/SEN/2) at its 1174th and 1176th meetings (see CRC/C/SR.1174 and 1176), held on 18 September 2006, and adopted at the 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

425. The Committee welcomes the submission of the second periodic report as well as the written replies to its list of issues (CRC/C/SEN/Q/2), which gave a clear understanding of the implementation of the Convention in the State party. It further appreciates the open, frank and constructive dialogue with the multisectoral delegation.

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

426. The Committee welcomes the incorporation of the Convention into the Constitution of 2001 as well as the enactment of the following legislation:

- (a) The Labour Code of 1997, which fixes the minimum age of employment at 15;
- (b) Law No. 99-05 of 1999 prohibiting excision, sexual harassment, paedophilia and sexual assault and all forms of sexual mutilation, sexual violence and corruption of minors;
- (c) The adoption in 2005 of Law No. 2005-02 against human trafficking and for the protection of victims;
- (d) The 2004 amendments to Law No. 91-92 to make education free and compulsory for children aged 6-16.

427. The Committee also notes with appreciation the ratifications of the following international human rights instruments:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts in 2004;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2003;
- (c) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization (ILO) in 2000;
- (d) ILO Convention No. 138 concerning Minimum Age for Admission to Employment in 1999;
- (e) The Rome Statute of the International Criminal Court in 1999;
- (f) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty) in 1998.

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

428. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.44) made upon the consideration of the State party's initial report (CRC/C/3/Add.31) through legislative measures and policies. However, some of the concerns it had expressed and recommendations it had made regarding, inter alia, the problem of *talibés*, the continuous practice of female genital mutilation, the unequal age of marriage for girls and boys, and juvenile justice - particularly the deprivation of liberty not as a last resort - have not been sufficiently addressed. The Committee notes that those concerns and recommendations are reiterated in the present document.

429. The Committee urges the State party to make every effort to address the recommendations issued in the previous concluding observations (CRC/C/15/Add.44) that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations.

Legislation

430. The Committee takes notes of the progress made by the State party in the effort to bring domestic law into compliance with the Convention, e.g. prohibiting female genital mutilation and criminalizing human trafficking. However, the Committee remains concerned by the continuous impact of traditional and customary attitudes and practices which hamper the implementation of the Convention. The Committee is also concerned at contradictions in legislations, such as article 245 of the Code of Criminal Procedure, related to vagrancy and by the lack of enforcement of legislation in remote and rural areas.

431. The Committee recommends that the State party strengthen its efforts to:

(a) Implement the Labour Code, give effect to the law prohibiting female genital mutilation and ensure the implementation of the law against human trafficking;

(b) Work with the different administrative regions in order to ensure that customary and traditional practices do not prevent children from enjoying the rights contained in the Convention;

(c) Eliminate all ambiguous and contradictory legal provisions that are not in conformity with the Convention;

(d) Speed up the process for the enactment of the Children Code (*Code de l'Enfant*).

Coordination

432. The Committee welcomes the establishment of an inter-ministerial directorate on the rights of the child, as recommended in its previous concluding observations, to coordinate actions taken by all institutions dealing with the implementation of the Convention. However, the Committee remains concerned by insufficient precision as to the mission of the directorate and by the lack of adequately trained staff.

433. The Committee recommends that the State party further enhances the capacity of the inter-ministerial directorate on the rights of the child by defining its exact mandate and role and by providing adequately trained staff.

National Plan of Action

434. The Committee takes note of the overall policy environment, such as various plans of action in favour of children and the Poverty Reduction Strategy Paper (PRSP). However, the Committee regrets the absence of a comprehensive national plan of action for children covering all areas of the Convention.

435. The Committee recommends that the State party develop a comprehensive, rights-based National Plan of Action, that covers all areas of the Convention and takes into account the objectives and goals of the outcome document entitled “A World Fit for Children” of the 2002 United Nations General Assembly Special Session on Children, as well as the Millennium Development Goals. In this exercise, the Committee urges the State party to allocate sufficient human and financial resources for its implementation and to use a participatory approach, involving children and NGOs.

Independent monitoring

436. The Committee appreciates the State party's efforts towards the creation of a national independent observatory on the rights of women and children. It also notes with appreciation the establishment of the *Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix* within the office of the President, which has the mandate to receive complaints from children. However, the Committee remains concerned about the independence of this institution.

437. The Committee recommends that the State party continues and completes as soon as possible its efforts to establish an independent national institution (national observatory for the rights of women and children) with a clear mandate to monitor children's rights and implement the Convention at national, regional and local level in accordance with the Principles Relating to the Status of National Institutions annexed to General Assembly resolution 48/134 (the Paris Principles). It further recommends that the State party take into account the Committee's general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of rights of the child. Such an institution should have a mandate to receive, investigate and address complaints from the public, including individual children and be provided with adequate financial, human and material resources.

Allocation of resources

438. The Committee notes with appreciation the increased budget allocation for education and health. However it is concerned that the resources for the implementation of the different plans of action within the poverty reduction strategy are still insufficient for effective improvement in the promotion and protection of children's rights.

439. In the light of article 4 of the Convention the Committee urges the State party to prioritize and increase budgetary allocations for children at both national and local level to improve the implementation of the rights of the child throughout the country, and particularly to pay attention to the protection of the rights of children belonging to vulnerable groups, including children with disabilities, children affected by and/or infected with HIV/AIDS and children living in poverty and remote areas.

Data collection

440. The Committee welcomes the progress made by the State party in developing the data collection system. However, the Committee is concerned that the current data collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated data for all areas covered by the Convention in relation to all groups of children, while paying particular attention to the disparities between rural and urban areas, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

441. The Committee recommends that the State party take measures to improve the system of collecting statistical and other data in all areas covered by the Convention and, on the basis of appropriate indicators, at the national, regional and local levels. Such a system should include all groups of children, while paying particular attention to the most vulnerable groups, including children living in poverty, girls, disabled children, *talibés* and children affected by the armed conflict in Casamance.

Dissemination of the Convention

442. The Committee appreciates the translation into certain languages and dissemination of the Convention. However, the Committee regrets that the Convention is not available in other languages such as Pulaar, Serer, Mandinka, Soninke and Jola and that programmes for awareness-raising and training on the Convention for professionals working with and for children are lacking.

443. The Committee reiterates its previous recommendation (CRC/C/15/Add.44, para. 18) that the State party continue to raise awareness and understanding of the provisions and principles of the Convention, particularly in close cooperation with community and religious leaders, and translate the Convention into all major languages of the country and make it available to children, their parents and other caregivers, professionals working with and for children, as well as to the general public, paying particular attention to people living in rural areas. The Committee further recommends that the State party promote and support the ongoing and systematic training of all professionals working for and with children, such as community and religious leaders.

Cooperation with civil society

444. The Committee welcomes the information contained in the State party report regarding the active participation of civil society in the preparation of the second periodic report to the Committee. However, the Committee remains concerned that consultation and cooperation with civil society is not yet formalized and does not reach all sectors of society.

445. The Committee encourages the State party to further strengthen and institutionalize collaboration with civil society, including NGOs working for the promotion and implementation of children's rights.

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

Non-discrimination

446. The Committee expresses its concern at the fact that discrimination against certain groups of children still exists in practice, particularly towards children born out of wedlock, children with disabilities, children affected by HIV/AIDS, girls, street children and *talibés*.

447. The Committee urges the State party to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups of children.

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

Best interests of the child

449. The Committee notes that steps have been taken in some areas in order to better respect the principle of the best interests of the child. Nevertheless, the Committee remains concerned that the principle is still insufficiently addressed in schools, courts and other institutional settings.

450. The Committee recommends that the State party:

(a) Ensure that the general principle of the best interests of the child is a primary consideration, without any distinction, and is fully integrated into all legislation relevant to children;

(b) Ensure that this principle is also 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

451. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, such as the child parliament, the Committee remains concerned that traditional societal attitudes appear to restrain children from freely expressing their views within the family, schools, communities, courts and other institutional settings.

452. **The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the family, schools, communities, courts and relevant administrative proceedings, and in society in general. As regards the implementation of article 12, the Committee also recommends that the State party undertake awareness-raising campaigns among the public at large, including traditional communities through religious leaders, by using the media and traditional ways of communication. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard, held on 15 September 2006.**

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

Birth registration

453. The Committee welcomes the efforts made to promote birth registration, such as the birth registration campaign and the involvement of municipal authorities and religious and community leaders in the birth registration process. However, the Committee is concerned at the persistent disparities between urban and rural areas in this respect.

454. **The Committee recommends that the State party continues its efforts of systematic birth registration for all children born within the national territory, especially in rural and remote areas. The Committee further urges the State party to proceed with the registration of those children who have not thus far been registered.**

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

Alternative care

455. The Committee notes that the State party is in the process of developing care centres for children without parental care - mainly for orphans and abandoned children - throughout the regions. However, the Committee remains concerned by the insufficient resources allocated to this project in order to effectively create these centres and to provide them with appropriate and adequate facilities and trained personnel.

456. **The Committee recommends that the State party continue its efforts towards the establishment throughout the country, in particular in rural and remote areas, of care centres for children without parental care and provide the financial and adequate human resources for such projects.**

Adoption

457. While noting that domestic adoption is practised to a large extent within the extended family and the community in conformity with tradition and customs, the Committee remains concerned at the lack of proper regulations for adoption in order to provide for proper registration.

458. The Committee recommends that the State party take all necessary measures to ensure that the best interests of the child be the primary consideration in all stages of adoption proceedings and that the State party:

(a) Regulate domestic adoption e.g. within the extended family and community, in accordance with the Convention, with a view to strengthening the protection of the rights of the adopted child;

(b) Complete the ratification process of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.

Corporal punishment

459. While noting that corporal punishment is prohibited in schools, the Committee is concerned that corporal punishment within the family is not prohibited by law and that corporal punishment is used in schools and other institutional settings.

460. The Committee recommends that the State party, taking into account its general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment:

(a) Amend all relevant laws to ensure that corporal punishment is explicitly prohibited in all settings, including the family, penal institutions, and alternative care settings, and ensure the effective implementation of these laws, including in schools;

(b) 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 promote positive, non-violent forms of discipline as an alternative to corporal punishment.

Child abuse and neglect

461. The Committee welcomes the efforts made to protect children against sexual abuse and ill-treatment. However, the Committee is concerned at the lack of preventive measures and psychological and social support, as well as the lack of legal and material assistance for victims.

462. The Committee recommends that the State party:

(a) Develop awareness-raising campaigns, with the involvement of children, in order to prevent and combat child abuse and neglect;

(b) Ensure that there is an effective system for receiving, monitoring and investigating reports on sexual abuse and ill-treatment, in a manner which is child-sensitive, and that the privacy of victims is well protected and that perpetrators are brought to justice;

(c) Ensure psychological and legal support for child victims of abuse or neglect.

463. In the context of the Secretary-General's in-depth study on the question of violence against children, the Committee acknowledges with appreciation the State party's participation in the Regional Consultation for West and Central Africa, held in Mali from 23 to 25 May 2005. The Committee recommends that the State party use the outcome of this regional consultation 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, timebound actions to prevent and respond to such violence and abuse.

464. Furthermore, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations as well as setting-specific recommendations contained in this report.

5. Basic health and welfare

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

Children with disabilities

465. While welcoming the development and increase in programmes related to disabilities, the Committee is concerned at the lack of information and statistical data that accurately reflect the status of children with disabilities in the State party. The Committee is further concerned about the paucity of services for children with disabilities and the shortcomings of the legal framework to address the specific needs of children with disabilities.

466. The Committee recommends that, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339), the State party take all necessary measures to:

(a) Further encourage the inclusion of children with disabilities into the regular educational system and into society, inter alia by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

(b) Adopt an inclusive and rights-based legal framework, that addresses the specific needs of children with disabilities;

(c) Implement all relevant provisions of existing legislation related to children with disabilities;

(d) Undertake awareness-raising campaigns, with the involvement of children, which focus on children with disabilities.

Health and health services

467. The Committee welcomes the increased amount of the gross domestic product (GDP) allocated to health, as well as the national nutrition enhancement programme and the priority given in the national health plan to reducing child and maternal mortality rates. However, the Committee remains concerned at the disparities of access to health services between different regions and departments and the persistence of the high maternal and child mortality rate, the high rate of child malnutrition and the prevalence of malaria. The Committee is further concerned at the fees (*tickets modérateurs*) imposed, which may limit access to appropriate health services.

468. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure universal access to maternal and child health-care services and facilities, in particular in rural and remote areas;

(b) Take all the necessary measures to prevent malnutrition and malaria and increase immunization coverage for as many children and mothers as possible;

(c) Continue to promote and encourage exclusive breastfeeding for infants up to six months;

(d) Review the practice of *tickets modérateurs* with a view to cancelling it.

Adolescent health

469. The Committee welcomes the *Projet Promotion des Jeunes (PPJ)* and the establishment in this context of counselling centres (*Centres Conseil Ado*). However it remains concerned at the high level of teenage pregnancies, the inadequate reproductive health services and the lack of mental health services for adolescents.

470. The Committee recommends that the State party:

(a) Strengthen sex and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of teenage pregnancies and provide teenage girls with the necessary assistance as well as access to health care and education;

(b) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents;

(c) Take into account general comment No. 4 of 2003 on adolescent health and development in the context of the Convention on the Rights of the Child.

HIV/AIDS

471. The Committee acknowledges the efforts made by the State party to increase the budget allocated to combat HIV/AIDS and welcomes the decision of the President of Senegal to provide free antiretroviral therapy to all those in need. However, the Committee remains concerned at the insufficient awareness-raising campaigns and the lack of HIV/AIDS centres for counselling on and treatment of HIV/AIDS in the main regions and rural areas, to provide assistance to infected and/or affected children.

472. The Committee recommends, with reference to the Committee's general comment No. 3 of 2003 on HIV/AIDS and the rights of the child and to the International Guidelines on HIV/AIDS and Human Rights, that the State party:

- (a) Involve children in the programme to fight against HIV/AIDS, in particular by ensuring that more attention be given to the issue of children and HIV/AIDS;**
- (b) Strengthen its efforts to prevent mother-to-child transmission of HIV;**
- (c) Strengthen its efforts to combat HIV/AIDS, including through ensuring availability of contraceptives throughout the country and through awareness-raising campaigns;**
- (d) Prevent discrimination against children infected with and affected by HIV/AIDS;**
- (e) Improve protection and support for AIDS orphans.**

Harmful traditional practices

473. The Committee notes with appreciation the efforts made by the State party in combating female genital mutilation. In particular, it welcomes the promulgation of Law No. 99-05 prohibiting this practice. However, the Committee remains concerned at the persistence of practices harmful to girls, including female genital mutilation, early and forced marriages, and other emerging forms of violence such as infanticide.

474. The Committee recommends that the State party:

- (a) Continue with awareness-raising campaigns to combat and eradicate female genital mutilation and other traditional practices harmful to the health, survival and development of children, especially girls;**
- (b) Introduce education and awareness-raising programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices, engaging with the extended family and the traditional and religious leaders, and support practitioners of female genital mutilation in finding alternative sources of income;**
- (c) Ensure the implementation of Law No. 99-05 regarding, inter alia, the prohibition of female genital mutilation and all forms of sexual mutilation and ensure that perpetrators are brought to justice.**

Standard of living

475. The Committee notes the efforts made by the State party to reduce the impact of poverty by introducing national and regional plans of economic action and development programmes, however the Committee remains concerned about vulnerable groups of children from low-income families and the very poor living conditions especially of those living in the remote and rural areas.

476. The Committee recommends that the State party reinforce its efforts to provide support and material assistance, with particular focus on the most marginalized and disadvantaged families, and to ensure to the extent possible the right of children to an adequate standard of living.

6. Education, leisure and cultural activities (arts. 28, 29 and 31)

477. The Committee acknowledges the significant improvements made in the field of education and the development of the early childhood initiative (*Programme national de la Case des Tout-Petits*). The Committee also notes with appreciation the increase in the enrolment rate, particularly for girls, and the efforts undertaken by the State party to improve the qualification of teachers. The Committee further appreciates the government project aimed at modernizing and improving the teaching quality of Koranic schools. However, the Committee is concerned at the still low level of enrolment in primary education, particularly in rural areas, at the persistence of a high illiteracy rate among children, the low level of qualification and number of teachers, the high dropout rate of school children, the insufficient support for children with disabilities and the exclusion of pregnant girls from school in application of an internal administrative circular from the board of education.

478. The Committee recommends that the State party, while taking into account the Committee's general comment No. 1 of 2001 on the aims of education:

- (a) Continue to take all necessary measures to ensure that teachers are adequately trained;**
- (b) Ensure that girls and boys of urban, rural and least developed areas, all have equal access to educational opportunities, strengthen its efforts to significantly increase enrolment in primary education and pay special attention to urban and rural disparities;**
- (c) Implement measures to reduce dropout rates;**
- (d) Cancel the administrative circular forbidding pregnant girls from continuing with their education on the basis of their individual ability, in accordance with article 11 (6) of the 1990 African Charter on the Rights and Welfare of the Children.**

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

Children affected by armed conflict

479. The Committee welcomes the information on the improvement of the situation of children affected by the armed conflict in Casamance. However, it remains concerned that the physical, psychological and social needs of the displaced children are not addressed sufficiently and that landmines from the conflict are still a threat for the physical safety of children living in the area.

480. The Committee recommends that the State party take all appropriate measures, including through international cooperation if necessary, to address the physical, psychological and social reintegration needs of children affected by the conflict and for demining former conflict areas.

Street children

481. While noting the steps taken by the State party to address the rights and needs of street children, the Committee remains concerned about the increasing number of street children and begging children in the State party.

482. The Committee recommends that the State party address the rights and needs of street children and begging children and facilitate their reintegration into society by:

(a) Undertaking a study and assessment of the situation of these children in order to get an accurate picture of the causes and magnitude of the phenomenon;

(b) Developing and implementing with the active involvement of street and begging children and NGOs a comprehensive policy which should address the root causes, in order to discourage, prevent and reduce child begging, and which should provide begging and street children with necessary protection, adequate healthcare services, education and other social reintegration services.

Economic exploitation, including child labour

483. The Committee notes with appreciation the establishment of projects with a view to improving the education of *talibés*. However, the Committee is concerned by the large number of working children and in particular by the current practice of the Koranic schools run by *marabouts* who use the *talibés* on a large scale for economic gain, by sending them to work in the fields or to the streets for begging and other illicit work that provides money, thus preventing them from having access to health, education and good living conditions.

484. The Committee reiterates its previous concluding observations and recommends that the State party:

(a) Adopt further measures to ensure that *talibés*, including children coming from neighbouring countries, have effective enjoyment of their fundamental rights and to protect them against any form of exploitation and discrimination;

(b) To undertake efforts to ensure an effective monitoring system of their situation by the State party, in close cooperation with religious and community leaders;

(c) To set up family support programmes, including awareness-raising campaigns with a view to their reinsertion in the family unit.

485. The Committee notes the measures taken by the State party to prevent girls from being used as domestic servants (*petites bonnes*) and subjected to economic exploitation and sexual abuse. However, the Committee is concerned by the growing extent of this reality which threatens the health, physical integrity and education of the girl child.

486. The Committee recommends that the State party:

(a) Take all necessary measures to raise awareness as to the threats a girl child faces by being used as a domestic servant;

(b) Enact laws to protect girls from economic exploitation;

(c) Strengthen its efforts to eliminate child labour, in particular by addressing the roots causes of child economic exploitation through poverty eradication and access to education;

(d) Take measures to ensure effective implementation of the ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified;

(e) Seek technical cooperation from ILO and UNICEF.

Sexual exploitation and trafficking

487. The Committee welcomes the efforts made to sensitize and protect children against sexual exploitation. However, the Committee is concerned at the lack of:

(a) Data on sexual exploitation, including sex tourism and trafficking in children to the State party;

(b) Protection and/or recovery assistance for child victims of sexual exploitation;

(c) Legislation to protect children from sexual exploitation including sex tourism;

(d) Implementation of existing legislation e.g. the rule prohibiting sexual intercourse with a girl under the age of 12 (Penal Code, art. 300).

488. The Committee recommends that the State party:

(a) Ensure the application of the Law No. 2005-02 against human trafficking and other forms of exploitation and the implementation of the Penal Code law prohibiting sexual intercourse with a girl under the age of 12;

(b) Reinforce legal measures protecting child victims of sexual exploitation, including trafficking, pornography, prostitution and sex tourism;

(c) Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims and ensure that victims who cannot return to their families are not institutionalized;

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

(e) 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 Congresses against Commercial Sexual Exploitation of Children.

Drug abuse

489. The Committee notes that drug abuse is an emerging social problem among young people and regrets the lack of data and information on the existing legislation and actions to curb drug consumption and drug abuse among the youth.

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

Juvenile justice

491. The Committee welcomes the efforts made in the domain of juvenile justice, especially the project *Renforcement de la Protection Juridique des Mineurs au Sénégal*. However, the Committee remains concerned by the lack of specialized juvenile judges, by the insufficient number of relevant juvenile courts and by the limited number of adequately trained social educators. It is also concerned by the fact that deprivation of liberty is not used as a last resort and by the fact that girls are detained in adult prisons.

492. The Committee urges the State party to ensure, in the context of legal reform, that juvenile justice standards are fully implemented, in particular article 37 (para. (b)) and articles 39 and 40 of the Convention, as well 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 (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice

System in the light of the Committee's day of general discussion on the administration of juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). In particular the Committee recommends that the State party:

- (a) Continue to provide training on relevant international standards to those responsible for administering the juvenile justice system;**
- (b) Ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**
- (c) In cases where deprivation of liberty is unavoidable and used as a last resort, improve conditions of detention and ensure that persons below 18 years of age are detained in separate facilities from those of adults;**
- (d) Ensure that persons below 18 years of age have access to appropriate legal aid and defence and an independent, child-sensitive and effective complaint mechanism;**
- (e) Ensure both sentenced and released persons below 18 years of age are provided with educational opportunities, including vocational and life-skills training, recovery and social reintegration services;**
- (f) Establish specialized juvenile courts throughout the country;**
- (g) Continue to seek technical assistance from the United Nations Interagency Juvenile Justice Panel.**

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

493. The Committee encourages the State party to submit its initial reports under the Optional Protocols to the Convention on the Rights of the Child, due in December 2005 and April 2006 respectively.

9. Follow-up and dissemination

Follow-up

494. 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, to the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.

Dissemination

495. 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, to the

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

10. Next report

496. The Committee invites the State party to submit a consolidated third, fourth and fifth report, by 1 March 2011. This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Republic of the Congo

497. The Committee considered the initial report of the Republic of the Congo (CRC/C/COG/1) at its 1177th and 1179th meetings (see CRC/C/SR.1177 and 1179), held on 19 September 2006, and adopted at the 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

498. The Committee welcomes the submission of the State party's initial report, although it regrets that it was received with a seven year delay. The report provides detailed information on the legislative, administrative, judicial and other measures applicable in the Republic of the Congo in respect of the rights enshrined in the Convention. The Committee notes with appreciation the written replies to its list of issues (CRC/C/COG/Q/1), which allowed for a clearer understanding of the situation of children in the Republic of the Congo.

499. The Committee also appreciates the frank and constructive dialogue with the State party's high level delegation, and regrets that several experts from various ministries and agencies could not attend the meeting because of difficulties encountered in obtaining visas.

B. Positive aspects

500. The Committee welcomes:

- (a) The creation of the Department for Legal Protection of Children within the Ministry of Justice;
- (b) The establishment of the Inter-Ministerial Committee to monitor implementation of the Convention on the Rights of the Child;
- (c) The adoption of the Strategic Programme and the Framework for Operations 2004-2008 aiming at improving the situation of children.

501. The Committee also welcomes the ratification of:

- (a) Convention No. 105 concerning the Abolition of Forced Labour of the International Labour Organization (ILO), on 26 November 1999;

(b) ILO Convention No. 138 concerning Minimum Age for Admission to Employment, on 26 November 1999; and

(c) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 23 August 2002.

C. Main subjects of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44 (para. 6) of the Convention)

Legislation

502. The Committee welcomes the fact that the State party plans to adopt a child protection code and to review its legislation with a view to ensuring its conformity with the Convention. However, the Committee is concerned that the State party's report does not provide sufficient information on the current status of the revision of domestic legislation and on the new laws on child rights.

503. The Committee recommends that the State party improve and harmonize its legislation in order to achieve compliance with the principles and provisions of the Convention, and adopt a comprehensive child protection code which incorporates the rights enshrined in the Convention.

Coordination

504. The Committee notes that several ministries of the State party share the responsibility for the implementation of children's rights and that there is no mechanism with a strong mandate and adequate resources to effectively coordinate all activities undertaken to implement the provisions of the Convention.

505. The Committee recommends that the State party establish a permanent and effective mechanism, such as a children's commission, provided with a strong mandate to effectively coordinate all legislation, measures, and other programmes aimed at the full implementation of the rights of the child enshrined in the Convention. The coordinating mechanism should also be provided with adequate human and financial resources in order to effectively fulfil its mandate, and should include civil society actors.

National Plan of Action

506. The Committee welcomes the adoption of the Strategic Programme and of the Framework for Operations 2004-2008, established with the support of UNICEF, which aims at improving the situation of children in many areas of concern. However, the Committee regrets the lack of information regarding the resources allocated to the Strategic Programme and to the Framework for Operations, the evaluation and monitoring mechanisms of the Framework, and the results achieved so far.

507. **The Committee recommends that the State party ensure that the Strategic Programme and the Framework for Operations extensively cover the rights of the child enshrined in the Convention and take into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations “A World Fit for Children” (resolution S-27/2, annex), and that concrete timebound targets are defined. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for the full implementation of the Strategic Programme and the Framework for Operations. The Committee further recommends that the State party ensure that the plan of action is provided with an evaluation mechanism to regularly assess progress achieved and identify possible deficiencies.**

Independent monitoring

508. While noting with appreciation the establishment of the National Human Rights Commission and the Office of the Mediator of the Republic (Ombudsman), the Committee regrets the limited mandate of these two institutions with regard to children’s enjoyment of their rights. The Committee expresses further concern at the limited resources allocated to the latter.

509. **The Committee recommends that the State party provide the National Human Rights Commission and the Office of the Mediator of the Republic (Ombudsman), with an adequate mandate to enable them to monitor the implementation of the Convention at the national level and to deal with individual complaints, as well as with structural and systemic issues relating to the rights of the child. In this regard, the Committee recommends that the State party, taking into account general comment No. 2 of 2002 on the role of national independent human rights institutions in the promotion and protection of the rights of the child and the Principles relating to the Status of National Institutions (the Paris Principles, General Assembly resolution 48/134, annex), establish a special commissioner within the National Human Rights Commission, or a separate child commissioner outside the Commission, adequately resourced with trained personnel capable of dealing with complaints in a child-sensitive manner, and ensure that children are well informed about the role and activities of this institution. The Committee recommends that the State party also ensure that adequate financial resources are allocated to these institutions and that the State party seek the technical assistance of UNICEF.**

Resources for children

510. While taking note of the State party’s efforts to increase the resources allocated to health, education, and social services provided to children, the Committee is concerned at the fact that the budget is inadequate to cover the basic requirements of children. The Committee welcomes the actions of the State party to eliminate corruption but remains concerned at the negative impact corruption may have on the allocation of already limited resources to effectively improve the promotion and protection of children’s rights, including their right to education and health.

511. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, including indigenous children and street children, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”. The Committee also recommends that the State party continue and strengthen its actions to prevent and eliminate corruption in all sectors of society.

Data collection

512. The Committee expresses its appreciation for the creation of a unit in charge of collecting and publishing data on the situation of children and welcomes the 2006 Plan of Action elaborated with the technical assistance of UNICEF, which includes collection of data on the situation of children and women. However, the Committee is concerned at the absence of a systematic methodology for data collection and disaggregated data analysis in all the areas covered by the Convention, and in particular in relation to children belonging to vulnerable groups.

513. The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation and analysis. Particular emphasis should be placed on those groups who are in need of special protection, including indigenous children, street children, children in alternative care, children “informally” adopted, disabled children and children who head families. The Committee further encourages the State party to use this data for the formulation of policies and programmes in view of the effective implementation of the Convention, to continue its cooperation with UNICEF in this respect and to consider the publication of an annual statistical report on the implementation of the Convention.

Dissemination, training and awareness-raising

514. The Committee is concerned at the lack of dissemination of the Convention among children, parents and adults working with and for children, in particular in rural areas.

515. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are known and understood both by adults and children, and that additional progress be made to raise awareness of the principles and provisions of the Convention in rural and remote areas.

516. The Committee also recommends that effective and systematic training be provided to all professional groups working for and with children, including judges, lawyers, law enforcement officers, teachers, school administrators, health personnel, psychologists and social workers, in all areas of the country.

Cooperation with civil society

517. The Committee is concerned at the rather limited role played by civil society and in particular by NGOs, in the promotion and implementation of the Convention on the Rights of the Child, especially in rural areas.

518. The Committee recommends that the State party encourage the active and systematic involvement of civil society actors, including NGOs, in the promotion and implementation of children's rights, in particular in rural areas, including by increasing their participation in the follow-up to the concluding observations of the Committee.

International cooperation

519. The Committee notes that programmes and projects are being implemented in cooperation with the relevant international or regional and intergovernmental or non-governmental organizations, in particular UNICEF. In this respect, the Committee recommends that the State party continue and strengthen a broad and open cooperation with the relevant organizations in order to fully benefit from their experience and their competence, inter alia, in coordinating international aid.

2. General principles
(arts. 2, 3, 6 and 12)**General observations**

520. The Committee notes that the traditional perception of the child in Congolese society may be in conflict with the definition of the child enshrined in the Convention, in particular with regard to the age of majority, since in traditional views the transition from a play and learning stage of development to work and marriage occurs sooner. The Committee is concerned that children, especially those living in rural and remote areas, are excluded from the full implementation of the enjoyment of their rights, in particular with regard to the consideration of their best interests, the respect of their views, and the full development of their individual potentials.

521. The Committee urges the State party to ensure that all children on its territory enjoy all the rights enshrined in the Convention until the age of 18.

Non-discrimination

522. While noting with appreciation that the Constitution prohibits discrimination, the Committee is concerned at the fact that those dispositions do not cover the full scope of article 2 of the Convention, inter alia birth and disability. The Committee is also concerned at the inadequate enforcement of the Constitution with respect to non-discrimination. It is further concerned in particular at the widespread ethnically based discrimination against indigenous people. Furthermore, the Committee is concerned at the visible gender-based discrimination in education, clearly reflected in the ratio of boys to girls in schools, and the trivialization of rape. Finally, the Committee is concerned at the discrimination against HIV-infected children, street children and refugee children, in particular from Rwanda.

523. The Committee recommends that the State party:

- (a) Ensure that the Constitution is amended to prohibit discrimination on any grounds covered by the Convention;**
- (b) Intensify its efforts to ensure that existing legislation guaranteeing the principle of non-discrimination is fully implemented, in accordance with article 2 of the Convention;**
- (c) Adopt a comprehensive strategy, including comprehensive public education campaigns, and take appropriate legislative and administrative measures to ensure the actual elimination of discrimination based on any grounds against vulnerable groups, including indigenous populations, girls, HIV-infected children, street children and refugee children;**
- (d) Provide specific information in its next periodic report on measures and programmes relevant to the Convention established with a view to eliminating discrimination against any group of vulnerable children;**
- (e) Provide specific information in its next periodic report on the measures and programmes relevant to the Convention adopted by the State party to follow up on the Declaration and Programme on Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001, taking into account the Committee's general comment No. 1 of 2001 on the aims of education.**

Best interests of the child

524. While commending the State party for the inclusion of the principle of the best interests of the child in family and criminal law, the Committee is concerned that this principle is not always taken into account in practice, in particular with regard to indigenous children.

525. 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 and that it is applied to all children without discrimination.

Respect for the views of the child

526. The Committee notes with appreciation the establishment of the Parliament of the Congolese Child and welcomes its activities. However, the Committee is concerned at the unclear role the Children's Parliament is expected to play in the development of child rights policy. The Committee is further concerned at the fact that the right enshrined in article 12 is not yet fully respected and implemented, particularly in families, schools, institutions and at the community level, as well as in judicial and administrative proceedings.

527. 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 express his/her views

freely in the family, at school, within other institutions and bodies, and in the community and society at large, with special attention paid to vulnerable and minority groups. This general principle should also be reflected in all laws, judicial and administrative decisions. In particular, the Committee recommends that the State party:

- (a) Adopt the envisaged law on the inclusion of the Parliament of the Congolese Child in the parliamentary process;**
- (b) Develop community-based training programmes for parents, teachers, judges and other professionals working with and for children with a view to promoting children's participation in all relevant settings;**
- (c) Systematically ensure the active participation of children and children's associations and bodies in the development of national, regional and local policies or programmes affecting them;**
- (d) Seek the technical assistance of UNICEF.**

528. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.

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

Birth registration and identity

529. While welcoming the law whereby birth registration has become compulsory, the Committee expresses concern at the fact that a large number of children have still not been registered. The Committee is also concerned at registration fees and penalties attached to late birth registration, which may hinder the process. The Committee is also concerned at the lack of civil registry offices in remote areas and the insufficient awareness of the importance of registration.

530. In the light of article 7 of the Convention, the Committee recommends that the State party establish an efficient and accessible birth registration system, including for non-citizens, which covers its entire territory, including:

- (a) Promoting awareness and appreciation of the importance of birth registration through mass campaigns providing information on the procedure for birth registration, including the rights and entitlements derived from the registration, through television, radio and printed materials or other means;**
- (b) Ensuring that birth registration is free of charge;**
- (c) Introducing mobile birth registration units in order to reach remote areas;**

(d) Taking appropriate measures to register those who have not been registered at birth, including indigenous children and refugee children;

(e) Enhancing its cooperation with relevant United Nations programmes, funds and specialized agencies such as UNICEF and the United Nations Population Fund (UNFPA).

Access to appropriate information

531. The Committee is concerned at the limited access of children to information aimed at the promotion of their social, spiritual and moral well-being and physical and mental health, taking into account the limited number of libraries, the majority of which were destroyed during the armed conflict. Furthermore, it is concerned at the easy access of children to harmful cinematographic material, due to the absence of regulations regarding access to the increasing number of video clubs in the Republic of the Congo.

532. The Committee recommends that the State party involve the High Council on Freedom of Communication in the implementation of a comprehensive policy focusing on the promotion of children's access to adequate information. The Committee also calls on the State party to monitor the increasing number of video clubs by regulating children's access, in these video clubs, to pornographic and violent films which are harmful to their mental, spiritual, moral and social development. The Committee also recommends that the State party ensure that children have access to information and material from a diversity of national and international sources that are age-appropriate and respectful of their spiritual and moral well-being. In that regard, the State party should inter alia implement measures to increase the establishment of libraries, including mobile libraries in rural and remote areas.

Corporal punishment

533. The Committee is concerned at the absence of an explicit prohibition of corporal punishment in the home, alternative care settings and penal institutions.

534. The Committee urges the State party to:

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

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

(c) Promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims;

(e) Provide children with child-sensitive mechanisms to lodge complaints in case they are victims of violence, including corporal punishment.

535. In this respect, the Committee draws the attention of the State party to its general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

Torture and other cruel, inhuman or degrading treatment

536. The Committee is concerned at allegations of torture and cruel, inhuman or degrading treatment, including rape, of children in detention by the military and the police.

537. 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 all reported cases and prosecute military personnel, law enforcement officials or any person acting in an official capacity responsible for such acts. The Committee recommends that the State party ensure that all child victims of torture, or cruel, inhuman or degrading treatment, including indigenous children, 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. The Committee further recommends that the State party establish a child-sensitive mechanism to receive complaints from children who may have been victims of torture, or cruel, inhuman or degrading treatment by law enforcement officials.

4. Family environment and alternative care

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

Family environment

538. The Committee is concerned at the limited human and financial resources available at the community level to provide assistance to families.

539. The Committee recommends that the State party strengthen the services of the Ministry of Social Welfare at the local level, by increasing the number of trained professionals working with families, in order to assist them in addressing and preventing difficulties which they may encounter, and by ensuring that sufficient financial resources are allocated to these services.

Alternative care

540. While taking note of the study undertaken by the State party on alternative care, the Committee is concerned at the proliferation of orphanages and the lack of regulation and monitoring of the latter.

541. The Committee recommends that the State party establish quality standards for orphanages and monitor their functioning, in order to ensure that such standards are respected and that children receive adequate care, preferably in small family-like units, in conformity with the provisions of the Convention.

542. The Committee also recommends that civil servants and relevant authorities receive adequate training on quality standards for orphanages. Finally, the Committee recommends that these orphanages be equipped with reliable and child sensitive complaints mechanisms.

543. The Committee further recommends that the State party provide:

(a) Economic and social support to extended and foster families so that they can educate the children for whom they have accepted responsibility;

(b) Economic and psychosocial support to children who head families and act as parents so that they may continue their education, when necessary.

Adoption

544. While noting with appreciation that the legislation regarding adoption takes into account the principle of the best interests of the child, the Committee notes the increasing practice of intercountry adoption and expresses concern at the lack of compliance of adoption procedures with article 21 of the Convention. The Committee is also concerned at the absence of data and monitoring mechanisms for national and intercountry adoptions.

545. The Committee urges the State party to:

(a) Ensure the compliance of the legislation on adoption with article 21 of the Convention;

(b) Establish a comprehensive national policy and guidelines governing adoption in order to ensure that domestic and intercountry adoptions are performed in full compliance with the best interests of the child and the appropriate legal guarantees, in accordance with the Convention;

(c) Strengthen its monitoring of intercountry adoptions, in particular by ratifying and implementing the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993;

(d) Conduct a child rights-based assessment of the practice of “informal” adoption, involving all stakeholders, in order to ensure that this practise is in full compliance with the principles and provisions of the Convention.

Child abuse and neglect

546. While noting with appreciation that the State party has undertaken a study on punishment for persons who have committed sexual violence, the Committee is concerned at the allegedly high incidence of child abuse, including domestic violence and incest.

547. The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect, including by:

- (a) Establishing effective mechanisms to receive, monitor and investigate complaints on cases of child abuse, and ensure that perpetrators are brought to justice;**
- (b) Ensuring that complaints are collected in a manner that is child-sensitive and respectful of the privacy of the victims;**
- (c) Implementing a comprehensive policy, in coordination with NGOs, for the prevention and recovery of child victims;**
- (d) Carrying out preventive public education campaigns on the criminal character and detrimental consequences of abuse and ill-treatment of children, in particular rape;**
- (e) Adopting a Plan of Action to combat any form of violence against children;**
- (f) In the context of the previous recommendations, paying special attention to child victims of incest; taking measures to bring perpetrators to justice; ensuring that confidentiality and privacy are fully respected in those legal proceedings, and that interviews are conducted in a manner that is child-sensitive;**
- (g) Providing support for the operation of a 24-hour three digit toll-free helpline;**
- (h) Seeking the technical assistance of UNICEF.**

548. In the context of the Secretary-General's in-depth 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. The Committee recommends that the State party use the outcome of the Regional Consultation for West and Central Africa, held in Mali from 23 to 25 May 2005, 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.

549. In addition, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement the overarching recommendations as well as setting-specific recommendations contained in this report.

Gang rape

550. The Committee is very concerned about the disturbing trend of gang rape which particularly affects indigenous girls.

551. The Committee recommends that the State party take all necessary legislative measures to effectively criminalize this activity; ensure that perpetrators are brought to justice; and provide children with social services, including counselling, aimed at their psychological recovery. The Committee also recommends that the State party undertake a study on the root causes and implications of this criminal activity. In this regard, the State party should seek the technical assistance of UNICEF.

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

Children with disabilities

552. While welcoming the legal and institutional framework protecting persons with disabilities, including children, as well as the adoption of a National Plan of Action for the African Decade for Persons with Disabilities (1999-2009), the Committee is concerned at the fact that children with disabilities still face a number of difficulties. These continue to hinder the development of their potential and hamper their enjoyment of a full and decent life and participation in the community. The Committee is also concerned that children with disabilities are not included in regular schools as much as possible.

553. The Committee recommends that the State party, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted at its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339):

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

(b) Pay more attention to special training for teachers and make the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

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

Health and access to health-care services

554. While noting with appreciation the launch of the National Health Care Development Plan and its specific programmes, the Committee is concerned with the growing incidence of child mortality, especially among children under five years of age, malnutrition and maternal mortality. The Committee is also concerned at the widespread incidence of malaria which is considered the primary cause of mortality and morbidity, and at the spreading of infectious diseases resulting from unsanitary conditions and the lack of drinking water, in particular in rural areas. The Committee is further concerned at the low immunization coverage in the State party, and at the fact that fees are sometimes enforced on parents. The Committee is deeply concerned at the standard and quality of care provided in healthcare facilities, including unqualified

health-care workers, lack of medicines, as well as lack of sanitation and clean drinking water. Finally, the Committee is concerned at the fact that 50 per cent of the urban population and 76 per cent of the rural population use traditional latrines, which constitutes a high risk of contaminating ground and rainwater.

555. The Committee recommends that the State party strengthen its efforts in improving the health situation of children, including through:

(a) Ensuring the provision of necessary medical assistance and health care access to all children, with an emphasis on the development of primary health centres, and guaranteeing that the latter are equipped with adequate health facilities and maintained in satisfactory sanitary conditions, including access to clean drinking water;

(b) Urgently addressing the issue of infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved nutrition and the prevention of communicable diseases and malaria;

(c) Increasing efforts to further reduce maternal mortality throughout the country;

(d) Adopting and implementing a national law on marketing of breast-milk substitutes and promote exclusive breastfeeding for at least six months;

(e) Ensuring that all segments of the society are informed, have access to health education and are supported in the use of basic knowledge of child health and nutrition, including the advantages of breastfeeding;

(f) Providing hospitals with sufficient obstetric supplies and emergency medicines;

(g) Reviewing existing policies and practices, and ensuring that health care is provided free of charge and without discrimination to all children of families unable to afford the payment fees;

(h) Strengthening efforts to combat malaria;

(i) Providing adequate water sanitation and access to clean drinking water throughout the country;

(j) Making available appropriate health services to specifically address the needs of indigenous people.

HIV/AIDS

556. While welcoming the launch of the National Anti-Aids Programme (2005-2008) and the adoption of decree No. 2002/360 of 30 November 2002 establishing the National Anti-AIDS Council, the Committee remains concerned at the fact that only a few HIV-positive children have access to antiretroviral drugs. The Committee is also concerned at the lack of comprehensive data and policy on paediatric HIV/AIDS and at the high level of mother-to-child transmission of HIV.

557. The Committee is further concerned at the fact that children and adolescents are not sufficiently protected from HIV/AIDS through acquisition of the requisite knowledge, and adoption of low-risk behaviours.

558. The Committee recommends that the State party:

(a) Provide antiretroviral treatment to HIV-positive children 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) 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 with and affected by HIV/AIDS;

(d) Adequately implement the National Anti-Aids Programme (2005-2008), including by providing it with the necessary funding;

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

559. In this respect, the Committee wishes to draw the attention of the State party to its general comment No. 3 of 2003 on HIV/AIDS and the rights of the child, and on the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37).

Harmful traditional practices

560. The Committee is concerned that female genital mutilation is still practised in some West African communities living in the Republic of the Congo.

561. The Committee recommends that the State party adopt legislation prohibiting such harmful practices and take well-targeted measures to ensure the eradication of female genital mutilation in all communities living on its territory, including through widespread awareness-raising campaigns, and encourage children to report these practices to health professionals and competent authorities.

Standard of living

562. The Committee is concerned that a large number of Congolese families live in poverty, which results in their being unable to meet the basic needs of their children. The Committee is also concerned that there is no social security system for the high number of unemployed persons and their children and that the minimal family allowances have not been raised for many years.

563. The Committee recommends that the State party take adequate measures to reduce poverty in order to allow parents to fulfil their responsibilities vis-à-vis their children, including their duty to ensure that children enjoy an adequate standard of living, in particular with respect to the provision of health, housing, nutrition and education. The

Committee further recommends that the State party guarantee access to health services and educational institutions free of charge for all children, including meals in schools for disadvantaged children.

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

Education

564. The Committee notes with appreciation that the State party has adopted legislation whereby primary education is compulsory and free of charge. The Committee is however concerned at the insufficiency of budget allocations for pre-primary, primary, and secondary schools, and the poor quality of education. The Committee is also concerned at the common practice of parents' associations having to support the functioning of the educational system by contributing to the salaries of teachers, as well as to the operating and investment expenditure of schools, such as building and furnishing of classrooms facilities. Furthermore, the Committee is concerned at the large number of repetition and dropouts, overcrowded schools, the low attendance in secondary school, the insufficient number of trained teachers and available school facilities. The Committee is further concerned at the low number of children graduating from primary school and the lack of vocational training for children, in particular those who drop out of school. Finally, the Committee is concerned at the limited access of indigenous children to education.

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

- (a) Increase public expenditure on education, in particular primary education;**
- (b) Ensure that primary education is free of direct and hidden costs and compulsory, and that all children are enrolled in mandatory school;**
- (c) Pay specific attention to disparities in access to schools based on sex, socio-economic, ethnic and regional grounds, and ensure all children's full enjoyment of the right to education;**
- (d) Increase the number of well-trained teachers, especially female ones, taking into account the lack of qualified teachers, and provide additional school facilities, particularly in rural areas;**
- (e) Undertake additional efforts to ensure access to informal education to those children who dropped out of school before graduation, including indigenous children, street children, orphans, children with disabilities, and former child soldiers;**
- (f) Strengthen vocational training, including for children who have left school before completion;**
- (g) Improve enrolment in secondary schools;**
- (h) Facilitate access to pre-primary education;**

(i) **Seek technical assistance from UNICEF, in particular to improve access to education for girls and indigenous children.**

566. **In this respect, the Committee draws the attention of the State party to its general comment No. 1 of 2001 on the aims of education. In addition, the Committee recommends that the State party incorporate human rights, and particularly the Convention on the Rights of the Child, into the school curriculum at all levels. In order to do so, technical assistance should be sought from the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF.**

Leisure and cultural activities

567. The Committee is concerned at the limited opportunities for children to engage in cultural and recreational activities and programmes in the country.

568. **The Committee recommends that the State party undertake measures to increase children's access to, and improve the quality of sports facilities, cultural, leisure and other educational and recreational activities.**

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

Refugee children

569. The Committee notes with satisfaction that the revised asylum policy in place has enhanced the protection of asylum-seekers and refugee children who are unaccompanied or separated from their parents. However, the Committee is concerned that access to education and health is not fully guaranteed for refugee children. The Committee is also concerned at reports of increased violence and discrimination against refugee children, especially from Rwanda, and at the fact that Rwandan children are not integrated in the regular educational system.

570. **The Committee recommends that the State party ensure access to health and education for all refugee children in the country and that it take all appropriate measures to protect refugee children, in particular girls, from physical or mental violence, including sexual abuse, maltreatment, exploitation and neglect. In this respect, the Committee further recommends that the State party seek the technical assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR).**

Child soldiers

571. While noting that the State party has resorted to international cooperation to address the issue of child soldiers and initiated a disarmament, demobilization and reintegration process, the Committee is concerned that many former child soldiers and children, including girls, do not receive adequate assistance for physical and psychological recovery. The Committee is also concerned that former child soldiers are not integrated into the educational system.

572. **The Committee recommends that the State party ensure that all children who directly or indirectly took part in the armed conflict are provided with services aimed at their full physical and psychological recovery, as provided for under article 39 of the Convention,**

and that special attention be paid to the specific needs of girls. The Committee also recommends that the State party increase its efforts to set up appropriate programmes and institutions and ensure that former child soldiers are integrated into the regular educational system.

Substance abuse

573. While noting the establishment of the Inter-ministerial Technical Committee for Combating Drugs, the Committee is concerned that many adolescents are affected by drug abuse and alcohol consumption.

574. The Committee recommends that the State party strengthen its measures to prevent and eliminate drug and alcohol abuse among children and to support recovery programmes for child victims of drug abuse, including by providing the Inter-ministerial Technical Committee for Combating Drugs with adequate resources. The Committee further recommends that the State party seek technical cooperation from, inter alia, WHO and UNICEF.

Economic exploitation, including child labour

575. While noting with appreciation the ratification by the State party of relevant ILO Conventions, as well as the adoption of an appropriate legislative framework, the Committee is concerned at the lack of data on the issue of economic exploitation of children. The Committee is also concerned at information according to which children, in particular indigenous children, are exploited economically. Finally, the Committee is concerned at reports that children, in particular from the Democratic Republic of Congo and indigenous children, are recruited to clean sewers and latrines manually, which is extremely hazardous to their health.

576. The Committee urges the State party to develop and implement, with the support of ILO, UNICEF, and NGOs, a comprehensive plan of action to prevent and combat child labour, in full compliance with ILO Conventions No. 138 and No. 182, which the State party has ratified, and to pay special attention in this regard to vulnerable and migrant children.

Sexual exploitation

577. While welcoming the study on the sexual exploitation of children which is being conducted with the support of UNICEF, the Committee expresses concern at sexual harassment in schools. It is also concerned at the fact that sexual exploitation of children is a widespread practice. The Committee is also concerned at the fact that the Portella Law prohibiting the presence of children in bars and night clubs is not enforced.

578. The Committee recommends that the State party:

(a) Undertake awareness-raising educational campaigns targeting the public at large and schools in particular to prevent and eliminate sexual exploitation;

(b) Ensure adequate resources in order to investigate cases of abuse, prosecute such crimes, and impose adequate sentences;

(c) Provide further resources to support the physical and psychological recovery of all children affected by sexual exploitation;

(d) Train professionals, in particular those working with the administration of justice, in order to receive, investigate and process complaints in a child-sensitive manner respecting the privacy of the victims;

(e) Implement a comprehensive policy, in coordination with NGOs, for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Trafficking

579. While noting that the State party has ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others on 25 August 1977, the Committee is concerned at the absence of legislation prohibiting trafficking in persons, particularly children.

580. **The Committee recommends that the State party take the necessary measures to criminalize trafficking in persons, particularly children, by enacting legislation in conformity with the Convention on the Rights of the Child and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Committee also recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children which supplements the United Nations Convention against Transnational Organized Crime.**

581. **The Committee further recommends that the State party provide information in its next report on:**

(a) Programmes and activities aiming at the psychological recovery of child victims of trafficking;

(b) Existing bilateral or multilateral agreements on the issue of trafficking, ensuring that special attention is paid to the needs of children who are returned to their country of origin;

(c) Progress made in relation to a study which the State party should conduct on the root causes and implications of trafficking.

Juvenile justice

582. While welcoming the study on juvenile justice undertaken by the State party with the technical assistance of UNICEF, the Committee is concerned that most officials dealing with juvenile justice are not aware of the rights of the child. It expresses further concern at the lack of juvenile judges in the country, and at the fact that children are often detained with adults.

583. **The Committee recommends that the State party implement the recommendations of the study on juvenile justice. The Committee also recommends that the State party fully bring the system of juvenile justice in line with the Convention, in particular 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), 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 (the Havana Rules), 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 held on 13 November 1995 (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 are only deprived of their liberty as a last resort and when in custody are in any case separated from adults;**
- (b) Take urgent steps to substantially improve the conditions of detention of persons below 18 when deprived of their liberty, in conformity with international standards;**
- (c) Provide that persons below 18 deprived of their liberty are provided with a full programme of educational activities (including physical education);**
- (d) Establish an independent monitoring system with access to juvenile detention facilities;**
- (e) Train professionals in the area of recovery and social reintegration of children;**
- (f) Seek technical assistance from the United Nations Interagency Juvenile Justice Panel (IJJP).**

Children belonging to a minority or indigenous group

584. The Committee notes with appreciation that the Constitution prohibits discrimination and welcomes the establishment of the Inter-Ministerial Committee to coordinate actions on issues related to indigenous people. It also commends the State party for having drafted a Law on the Promotion and Protection of the Rights of Indigenous Populations in the Republic of the Congo and for having elaborated with the technical assistance of UNICEF a development programme designed for indigenous populations. However, the Committee is concerned at the alarming situation of the latter, in particular indigenous children, who are victims of economic exploitation, systematic violence, including rape, and systematic discrimination, in particular with respect to access to health services, education and birth registration. The Committee is also concerned that the draft Law on the Promotion and Protection of the Rights of Indigenous Populations does not refer explicitly to the rights of indigenous children.

585. The Committee recommends that the State party:

(a) Amend the draft Law on the Promotion and Protection of the Rights of Indigenous Populations in the Republic of the Congo, so as to ensure that it explicitly covers all areas of the Convention on the Rights of the Child;

(b) Adopt a plan of action for indigenous people which would address discrimination at all levels;

(c) Dedicate more attention to securing the physical integrity of indigenous children;

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

(e) Take due account of the recommendations adopted by the Committee following its day of general discussion on the rights of indigenous children held in September 2003.

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

586. The Committee welcomes the enactment of the acts authorizing accession to 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.

587. The Committee recommends that the State party finalize the ratification process of 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.

9. Follow-up and dissemination

Follow-up

588. 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 Council of Ministers or the Cabinet or a similar body, to the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.

Dissemination

589. The Committee further recommends that the initial report and written replies submitted by the State party and the 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 monitoring.

10. Next report

590. The Committee invites the State party to submit a consolidated second, third and fourth report, by 12 November 2010 (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. 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: Syrian Arab Republic

591. The Committee considered the initial report of the Syrian Arab Republic (CRC/C/OPSC/SYR/1) at its 1178th meeting (see CRC/C/SR.1178), held on 19 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

592. The Committee welcomes the submission of the State party's initial report and written replies to the list of issues. The Committee also appreciates the constructive dialogue held with the delegation.

593. 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 (CRC/C/15/Add.212) on 6 June 2003.

B. Positive aspects

594. The Committee welcomes the information that international conventions to which the Syrian Arab Republic is a party take precedence over domestic legislation in case of any conflict and/or inconsistency.

595. The Committee further commends the State party's accession to:

(a) The Convention on the Elimination of All Forms of Discrimination against Women, on 28 March 2003;

(b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 19 August 2004;

(c) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 2 June 2005;

(d) The Optional Protocol on the involvement of children in armed conflict on 17 October 2003; and

(e) The ratification of International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 22 May 2003.

596. The Committee also notes with appreciation the information provided by the delegation that the Government has approved the withdrawal of the reservations entered by the State party to articles 20 and 21 of the Convention and articles 3, paragraph 1 (a) (ii), and 3, paragraph 5, of the Optional Protocol, and that this decision has been submitted to the legislative body for final promulgation.

C. Principal areas of concern and recommendations

1. General measures of implementation

Coordination and evaluation of the implementation of the Optional Protocol

597. The Committee takes note of the information provided on the involvement of various ministries and governmental bodies in the implementation of the Optional Protocol, and that the Syrian Commission for Minors Affairs is entrusted with the coordination among governmental and non-governmental bodies of all activities relating to family affairs. It also notes that all concerned bodies have to report annually to the Syrian Commission on Family Affairs on progress achieved in the respective fields of competence with regard to the Optional Protocol. However, the Committee remains concerned that, in practice, coordination and cooperation - both at central and local levels - of the activities undertaken in areas covered by the Optional Protocol is still insufficient.

598. The Committee encourages the State party to strengthen coordination, at both central and local levels, in the areas covered by the Optional Protocol. It also recommends that the State party provide in its next report a brief overview of the progress achieved on the implementation of the Optional Protocol based on the reports received by the Syrian Commission on Family Affairs from the different bodies involved in its implementation.

Dissemination and training

599. The Committee acknowledges the State party's efforts for the dissemination of the Optional Protocol as well as training activities relating to its provisions, but is concerned that advocacy and social mobilization on the issues covered by the Optional Protocol remain insufficient.

600. The Committee recommends that the State party continue its efforts towards the dissemination of information on the provisions of the Optional Protocol within Syrian society, especially among children, parents and other caregivers and professionals working with and for children. The Committee further recommends that the State party carry out systematic and ongoing training programmes on the provisions of the Optional Protocol for all professional groups working with and for children and all other relevant groups. To this end, substantive resources should be earmarked for public awareness campaigns and for the development of training materials and courses.

Data collection

601. The Committee notes with appreciation that a database for the collection of information on child victims of all forms of violence has been created under the framework of the newly

established 2006 Plan of Action for the Protection of Children. However, it regrets that data and information on the issues covered by the Optional Protocol, especially on child prostitution, remain insufficient.

602. The Committee recommends that the State party ensure that specific research is undertaken to assess the nature and extent of the sale of children, child prostitution and child pornography in the State party, and that data, disaggregated, inter alia, by age, sex and minority group, be systematically collected and analysed as they provide essential tools for measuring policy implementation.

Budget allocations

603. The Committee notes that a specific budget allocation for child protection has been envisaged for the implementation of the 2006 Plan of Action for the Protection of Children. The Committee recommends that the State party provide information in its next report on the budget allocated to the various activities of the State party specifically related to the implementation of the Optional Protocol.

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

Existing criminal laws and regulations

604. The Committee notes the State party's efforts to cover the offences listed under the Optional Protocol in its criminal legislation as well as the establishment of a specific unit under the Syrian Commission on Family Affairs which is currently undertaking a comprehensive review of legislation. However, the Committee is concerned that:

(a) There are no specific provisions expressly targeting sale of children and child pornography, although these offences would reportedly be covered by other existing provisions;

(b) The age limit in the Penal Code is apparently not set at 18 years for all the offences covered by the Optional Protocol.

605. The Committee recommends that the State party:

(a) **Amend the Penal Code in order to explicitly define and cover all the offences in accordance with articles 2 and 3 of the Optional Protocol, including by speedily adopting and implementing the draft law on the protection of children;**

(b) **Set at 18 years the age limit used for defining a child for each of the offences covered by the Optional Protocol;**

(c) **Strengthen the legislative framework by 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;**

(d) **Continue to seek technical assistance in this respect from UNICEF, among others.**

3. Penal and criminal procedure

Jurisdiction

606. **The Committee recommends that the State party provide more information on its compliance with article 4 of the Optional Protocol in its next report, and notably whether it establishes its jurisdiction over the offences covered by the Optional Protocol in all cases contemplated under article 4.**

Extradition

607. The Committee notes that article 35 of the Penal Code provides that, if the accused person consents in open court to be extradited, the competent authorities may accept or deny the extradition request at their discretion.

608. **The Committee recommends that the State party ensure that each extradition request is thoroughly evaluated and that the decisions to grant or refuse it is not exclusively based on the consent of the accused person. It also recommends that the State party ensure that its legislation on extradition be in compliance with article 5 of the Optional Protocol, which should be used, when necessary, as a legal basis for extradition with respect to the offences listed therein.**

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

609. The Committee notes that protection measures are contained in the Juvenile Delinquents Act, including the establishment of special courts for juveniles, but is concerned that they refer essentially to children accused and/or convicted of a crime rather than to child victims thereof. It is further concerned that:

(a) Under the Evidence Act persons under the age of 18 are not competent to testify, except in case of alleged rape or offences against morality;

(b) Victims of acts covered by the Optional Protocol, notably children used for prostitution, may be prosecuted and - if foreign nationals - expelled.

610. **The Committee recommends that the State party take all necessary measures to ensure that child victims of any of the crimes under the Optional Protocol are neither criminalized nor penalized. It further recommends that the State party protect child victims and witnesses at all stages of the criminal justice process in accordance with article 8 of the Optional Protocol. To this end, the State party should also be guided by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20). The State party should in particular:**

(a) **Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;**

(b) Use child-sensitive procedures to protect children from hardship during the justice process, including special interview rooms designed for children and child-sensitive methods of questioning;

(c) Establish special procedures for the collection of evidence from child victims and witnesses - such as video and audio recording of child declarations - in order to reduce the number of interviews, statements and hearings.

611. While noting that the Ministry of Social Affairs and Labour organizes training courses for people working with child victims, the Committee is concerned that there is a general lack of medical experts and/or specialized centres for the treatment, physical and psychological recovery and social reintegration of child victims.

612. The Committee recommends that the State party ensure that child victims receive all appropriate assistance, including full social reintegration and physical and psychological recovery, in accordance with article 9, paragraph 3, of the Optional Protocol. To this end, the State party should continue to take measures to ensure appropriate training, in particular legal and psychological training, for the persons working with victims of the offences prohibited under the Optional Protocol.

613. The Committee is concerned at the information reporting the practice of temporary marriages, which occurs especially in some areas of the country, involving girls as young as 12 years who are given in marriage in exchange for money. The Committee is further concerned that these girls, when abandoned by their husbands after a short time, are deprived of the rights acquired with legal marriage, stigmatized and have little access to measures of physical and psychological recovery and social reintegration.

614. The Committee recommends that the State party address the issue of temporary marriages, including by raising awareness among children, families and within the community of the rights of the girl child and the negative impact that such forms of marriages may have on the physical and mental health and general well-being of girls. The State party should also provide victims of this practice with the necessary physical and psychological recovery and social reintegration.

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

Measures adopted to prevent offences referred to in the Optional Protocol

615. The Committee welcomes the establishment of the Public Commission to Combat Unemployment and of the Fund for Integrated Rural Development, in 2002 and 2001 respectively, as measures aimed at combating poverty as one of the main causes of all forms of exploitation. It also welcomes the broadcasting by Syrian TV of a special programme on violence against children. However, the Committee, believing that the elimination of the sale of children, child prostitution and child pornography would be facilitated by adopting a holistic approach, addressing the contributing factors thereto, is concerned that:

(a) There is no integral plan or strategy to tackle the issue of homelessness and street children and the significant number of children in the street indicates a potential for sale of children, child prostitution and child pornography;

(b) Birth registration is still problematic in some areas and for particular ethnic minorities, notably Kurds;

(c) The fight against school dropouts has been ineffective so far.

616. The Committee recommends that the State party intensify its efforts to take appropriate measures, including of a legislative, judicial and administrative nature, as well as undertaking policies and programmes to prevent the offences referred to in the Optional Protocol. In particular, the Committee recommends that the State party:

(a) Develop and implement a comprehensive national plan of action to deal with the issue of homelessness and street children, who are particularly at risk of being exploited;

(b) Ensure that the helpline, which is going to be established by the Ministry of Social Affairs in 2007, be 3-digit, toll-free and available 24 hours a day. This national helpline for children should also be able to provide services in remote areas;

(c) Strengthen its efforts to guarantee the registration of all children within the State party's jurisdiction, irrespective of the legal status of parents;

(d) Intensify its efforts to reduce dropout rates in schools;

(e) Encourage all media to disseminate more information on the issues covered in the Optional Protocol.

6. International assistance and cooperation

Prevention and law enforcement

617. The Committee notes that the State party is working closely with the International Organization for Migration in the fight against trafficking and welcomes that an ad hoc inter-ministerial national task force has been established to this end and has drafted a comprehensive anti-trafficking law which is expected to be submitted soon to the People's Assembly. However, it is concerned at information reporting instances of Iraqi girls trafficked to the Syrian Arab Republic for the purpose of sexual exploitation.

618. The Committee recommends that the State party conduct further research on the scale and nature of cross-border trafficking for the sale of children, child prostitution and child pornography and strengthen its regional and bilateral judicial and police cooperation for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving offences under the Optional Protocol. The Committee further encourages the State party to provide more detailed information in this respect in its next report.

619. **The Committee encourages the State party to continue its cooperation with United Nations specialized agencies, such as UNICEF and UNHCR, and international NGOs, such as End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International and the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) in order to improve the implementation of the Optional Protocol.**

7. Follow-up and dissemination

Follow-up

620. **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 Cabinet of Ministries, the People's Assembly and to local people's councils, for appropriate consideration and further action.**

Dissemination

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

8. Next report

622. **In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its 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 13 February 2009.**

Concluding observations: Denmark

623. **The Committee considered the initial report of Denmark (CRC/C/OPSC/DNK/1) at its 1180th meeting (see CRC/C/SR.1180), held on 19 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.**

A. Introduction

624. **The Committee welcomes the submission of the State party's initial report as well as its written replies to the list of issues (CRC/C/OPSC/DNK/Q/1/Add.1). The Committee further appreciates the constructive dialogue held with the State party delegation.**

625. **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 third periodic report on 30 September 2005 (CRC/C/DNK/CO/3).**

B. Positive aspects

626. The Committee welcomes the adoption of the following amendment to the Criminal Code and of national action plans:

- (a) The 2005 action plan “A New Life” to combat prostitution;
- (b) The 2003 National Plan of Action to combat sexual abuse of children;
- (c) The amendment to the Criminal Code by act No. 380 of 6 June 2002 which introduces a new provision on trafficking in human beings;
- (d) The 2005 appendix to the Government’s Action Plan to Combat Trafficking in Women to protect and support children who have been trafficked to Denmark.

627. The Committee also welcomes the establishment of an investigation unit specialized in criminal offences committed on the Internet, including child pornography, by the Office of the National Commissioner of Police, and three knowledge centres: the Team for Sexually Abused Children at Copenhagen University Hospital, the Danish National Centre for Social Efforts against Child Sexual Abuse (SISO) and Janus, a knowledge centre concerning young people who have committed sexual assaults on other children and young people.

628. The Committee notes with great appreciation that the National Commissioner of the Police, Save the Children Denmark and the telecommunication services provider TDC have introduced a filter for blocking access to Internet sites containing images of child pornography and that the filter has been successful in blocking access to these sites for an average of 1,700 users every day.

629. Furthermore, the Committee notes with appreciation measures taken for the physical and psychological recovery of children, such as subsidies for consultations with psychologists, and the increase in penalties for the recording and dissemination of child pornography.

630. The Committee notes with appreciation the State party’s considerable efforts in areas of international development assistance focusing on 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

631. The Committee takes note of the information that various ministries are involved in implementing the Optional Protocol, but is concerned at the lack of a specific governmental body coordinating the activities in this respect and of a mechanism evaluating the implementation of the Optional Protocol.

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

Dissemination and training

633. While noting the State party's efforts for the dissemination of the Optional Protocol, as well as some training activities on its provisions, the Committee regrets that this is not done in a systematic and ongoing manner.

634. The Committee recommends that substantive resources be allocated to public-awareness campaigns and for the development of training materials and courses for professionals working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health and local government personnel, the media, social workers, teachers, school administrators and others, as required, who are responsible for the implementation of the Optional Protocol.

Data collection

635. The Committee regrets the limited data and research available on the issues covered by the Optional Protocol.

636. The Committee recommends that the State party ensure that research is undertaken into issues covered by the Protocol, and that data be disaggregated, inter alia, by age, sex and minority group, as well as that data be systematically collected and analysed as it provides essential tools for measuring policy implementation.

Cooperation with civil society

637. As regards the scope of application of the Optional Protocol, the Committee welcomes the State party's partnership with non-governmental organizations, for example, the Media Council and Save the Children Denmark's close cooperation in the field of Internet safety. The Committee notes, nevertheless, that civil society organizations are willing to contribute in a more meaningful way to the implementation of the Optional Protocol, including the State party's periodic reporting to the Committee.

638. The Committee recommends that the State party continue to strengthen its cooperation with civil society organizations in order to prevent the sale of children, child prostitution and child pornography. It also encourages the State party to involve these organizations in the reporting to the Committee and to use the reporting process as a catalyst for public and critical debate on these issues.

2. Criminal procedure

Jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol

639. The Committee notes with appreciation, particularly in the context of prosecution of crimes related to child sex tourism, that on 2 June 2006 the State party abolished the requirement of "dual criminality" regarding sexual offences against children. However, the Committee notes with concern that the police are not provided with additional resources for international cooperation in this matter.

640. **The Committee recommends that the State party provide the Danish police with adequate resources for international cooperation when investigating cases of sexual exploitation of children.**

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

641. The Committee is concerned that the ongoing local government reform and the reform of police districts may have an adverse effect on the early identification of cases involving child exploitation and the availability and quality of services provided for the child victims of such exploitation, including the sale of children, child prostitution and child pornography.

642. **In the context of the local government reform and the reform of police districts, the Committee recommends that the State party take special measures to ensure the early identification of cases involving child exploitation and the availability and high quality of services provided for the child victims of exploitation, including the sale of children, child prostitution and child pornography, particularly during the transition period.**

643. The Committee welcomes act No. 228 of 2 April 2003, which provides the possibility of using video interviews of children as evidence in court, and that video interviews of children in cases concerning sexual abuse must be conducted by specially trained police officers. The Committee takes note of the information that, in some cases, there have been practical difficulties in connection with video interviews of children, but measures have already been taken to address these problems.

644. **The Committee invites the State party to continue, and to strengthen when necessary, measures to protect child victims and witnesses at all stages of the criminal justice process. To this end the State party should be guided, inter alia, by the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).**

645. The Committee notes that public employees have a strict duty to notify local authorities if they come into contact with a child who is exposed to sexual abuse or has been used in prostitution, and that every citizen has a general duty to report on sexual abuse of children. Referring to the recent and exceptionally severe case of sexual abuse and prostitution of a child in Tønder, the Committee is concerned as to whether civil society and public employees are fully aware of their obligation to inform the authorities. Furthermore, it notes with concern that the heavy work burden and limited resources of social welfare offices may delay responses to notification on sexual exploitation of the child.

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

(a) **Continue its public media campaigns on mandatory reporting to ensure that public employees and civil society are fully aware of their obligation to report on sexual exploitation of children to the authorities, and strengthen its efforts to provide training to public employees working with and for children in this regard;**

(b) Collaborate with civil society organizations in order to strengthen community-based social responsibility for children;

(c) Raise awareness of the illegality and unacceptability of all forms of child sexual exploitation, with due regard to the principle of respect for the child's privacy;

(d) Provide the social welfare offices with adequate human and financial resources in order to react immediately and efficiently to reports of sexual exploitation of children.

647. The Committee notes with interest that a witness protection programme has been developed in Denmark but is concerned that repatriation of trafficking victims is prioritized, with few guarantees of witness protection measures in the country of origin.

648. The Committee recommends that children who cannot be guaranteed witness protection upon repatriation be guaranteed permission to reside in Denmark and receive protection. Access to shelter and temporary residence permission for foreign child victims of trafficking should be granted during the investigation period.

649. The Committee notes with appreciation that the child helpline "BørneTelefonen" was established in 1987 and that it provides counselling and referral services to children. However, it notes with concern that a phone call to the "BørneTelefonen" is subject to a fee and that the helpline does not provide services on weekends.

650. The Committee recommends that the State party strengthen its financial and technical support to "BørneTelefonen" in order to maintain the ongoing provision of services and to ensure access for children who cannot pay the cost of a call. It recommends that the hotline receive a 3 or 4-digit toll-free number so that neither the helpline nor the child need pay for accessing hotline services and that the hotline provide 24-hour service.

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

Measures adopted to prevent offences referred to in the Optional Protocol

651. The Committee welcomes the Act on Obtaining Criminal Records Disclosures in Connection with Employment of Staff, which entered into force on 1 July 2005 and which strengthens the efforts against sexual abuse of children under the age of 15. However, the Committee notes with concern that this act only covers future employees and volunteers who will be hired by public administration authorities and will be in direct contact with children under the age of 15, and that it leaves those already working with children outside its scope of application.

652. In order to prevent recidivism among persons convicted of sexual offences against children, the Committee recommends that the State party consider amending the act on obtaining criminal records disclosures in connection with employment to cover all employees and volunteers already working with children. The Committee further recommends that the State party provide adequate guidelines and training for the personnel responsible for administering requests for criminal record disclosures.

653. The Committee is concerned at reports that some Danish travel agents and Danish citizens have been involved in child sex tourism.

654. The Committee recommends that the State party increase its efforts to combat the worrying phenomenon of child sex tourism, including by consistently prosecuting offenders upon their return to Denmark for crimes committed abroad, as well as by strengthening cooperation with NGOs and the tourist industry in order to better meet the guidelines set up by the World Tourist Organization on the protection of children from sexual exploitation in tourism.

5. International assistance and cooperation

Law enforcement

655. The Committee notes that insufficient information is provided with respect to the assistance and cooperation provided by the State party at all stages of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol, i.e. in the detection, investigation, prosecution, punishment and extradition proceedings.

656. The Committee encourages the State party to provide more detailed information in this respect in its next report.

6. Follow-up and dissemination

Follow-up

657. 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 State and the Parliament (Folketinget), as well as to provincial authorities, for appropriate consideration and further action.

Dissemination

658. The Committee recommends that the initial 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 Optional Protocol, its implementation and its monitoring.

7. Next report

659. 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 fourth periodic report under the Convention on the Rights of the Child due, in accordance with article 44 of the Convention, on 17 August 2008.

Concluding observations: Benin

660. The Committee considered the second periodic report of Benin (CRC/C/BEN/2) at its 1181st and 1183rd meetings (see CRC/C/SR.1181 and 1183), held on 20 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

661. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues (CRC/C/BEN/Q/2 and Add.1) which allowed for a clearer understanding of the situation of children in Benin. The Committee also notes with appreciation the frank and constructive dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

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

662. The Committee welcomes several laws and regulations adopted during the reporting period aimed at protecting and promoting the rights of children, inter alia:

- (a) Act No. 2006/04 of 5 April 2006 setting out conditions for the displacement of minors and the suppression of trafficking in children in Benin;
- (b) Act No. 2006/31 of 5 April 2006 on Prevention, Care and Support related to HIV/AIDS;
- (c) Act No. 2002-07 of 24 August 2004 containing the Persons and Family Code;
- (d) Act No. 2003-04 of 3 March 2003 on the suppression of female genital mutilation;
- (e) Act. No. 2003-04 of 3 March 2003 on sexual and reproductive health;
- (f) Inter-Ministerial order No. 16/MEPS/METFP/CAB/DC/SGM/SA of 1 October 2003 on sanctions for perpetrators of sexual abuse in public or private, general, technical or vocational secondary schools or educational establishments.

663. In addition, the Committee notes with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as the National Committee on the Rights of the Child (*le Comité national des droits de l'enfant*), as well as the national unit to monitor and coordinate child-protection activities (*la Cellule nationale de suivi et de coordination des activités de protection de l'enfant*).

664. The Committee welcomes the publication in the Official Gazette of the Convention on the Rights of the Child on 5 September 2006 which makes it part of the written law of the land.

665. The Committee welcomes the ratification of or accession to a number of international human rights instruments, including:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 25 May 2000;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 25 May 2000;
- (c) Convention No. 138 concerning Minimum Age for Admission to Employment of the International Labour Organization (ILO) of 1973, on 11 June 2001;
- (d) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 28 May 2001;
- (e) 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; the Protocol against the smuggling of Migrants by Land, Sea and Air, supplementing the Convention, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the Convention, on 6 November 2003; and
- (f) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 20 September 2006.

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

666. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.106) it made upon consideration of the State party's initial periodic report (CRC/C/3/Add.52) through legislative measures and policies. However, it regrets that some of those concerns and recommendations have been insufficiently addressed, especially those regarding data collection, non-discrimination, right to life, violence, abuse and neglect, alternative care, health, education, trafficking, and the juvenile justice system.

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

Legislation

668. The Committee welcomes the measures taken to strengthen the legal framework on the rights of the child and to bring the national legislation into conformity with the Convention, notably the Persons and Family Code and the draft Children's Code. However, the Committee notes that the national legislation in some areas, inter alia corporal punishment, has still not been brought into full conformity with the Convention.

669. **The Committee recommends that the State party continue to strengthen its efforts to provide better legal protection for children and ensure that relevant domestic laws are in full conformity with the principles and provisions of the Convention. It further recommends that the State party expedite the adoption of the Children's Code and the revision of the Penal Code and the Penal Procedure Code.**

National plan of action

670. The Committee takes note of a number of action plans and programmes adopted by the State bodies involved in the promotion and protection of children's rights. The Committee also notes that the State party is in the process of elaborating a National Policy and Strategy on Child Protection. However, the Committee is concerned that the State party has not yet adopted a national plan of action for children.

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

(a) Adopt the National Policy and Strategy on Child Protection;

(b) Develop and implement a national plan of action for children and ensure that it is clearly oriented towards the rights of the child as enshrined in the Convention, that it covers all areas of the Convention and takes into account the outcome document of the 2002 Special Session of the General Assembly "A World Fit for Children" (resolution S-27/2, annex);

(c) Integrate all other action plans and programmes under the national plan of action for children to avoid a fragmented approach to the implementation of child rights;

(d) Provide the mechanisms, regulations and budgetary and human resources necessary for the effective implementation of such a national plan of action.

Coordination

672. The Committee notes the measures taken by the State party to ensure better coordination in the implementation of the Convention at both central and local levels, including the establishment of the National Commission on the Rights of the Child and recently the national unit to monitor and coordinate child protection activities. The Committee also takes note of the establishment of departmental committees and the intention to establish municipal committees on the rights of the child. However, the Committee considers that it is necessary to improve the multisectoral coordination of efforts accomplished on behalf of children and young people at all levels, including regional and local levels.

673. **The Committee recommends that the State party continue and strengthen its efforts to improve the coherency and coordination of all activities for the implementation of the Convention so as to ensure effective coordination among central and local authorities as well as cooperation with children, young people, parents and NGOs. In this respect, the Committee recommends that the State party allocate adequate human and financial resources for the effective functioning of the departmental committees and proceed with the establishment of the municipal committees on the rights of the child in order to implement programmes of prevention and promotion of human rights.**

Independent monitoring

674. While noting the information provided during the dialogue concerning the National Advisory Council on Human Rights (*le Conseil national consultatif des droits de l'homme*), the Committee regrets the absence of an independent and child-sensitive structure with a mandate that includes the power to receive and address individual complaints of alleged violations of the rights of the child.

675. The Committee recommends that the State party establish an independent national human rights institution or a children's ombudsperson/child rights commissioner with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels, in accordance with the Principles relating to the status of National Human Rights Institutions (the Paris Principles, annexed to General Assembly resolution 48/134 of 20 December 1993). It recommends, taking into account the Committee's general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of the rights of the child, that such an institution should have a mandate to receive, investigate and address complaints from the public, including individual children, and be provided with adequate financial, human and material resources. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR.

Resources for children

676. While noting a general increase in funds allocated to expenditure relating to children, including to basic social services, the Committee is concerned that budgetary allocations are insufficient to ensure the implementation of the Convention, including the effective functioning of the programmes and reforms undertaken by the State party. The Committee is also concerned at regional disparities between rural and urban areas and the fact that a large number of children living in poverty do not receive enough support. Furthermore, while welcoming the State party's efforts to combat corruption, the Committee is concerned at the need for strong and targeted measures to reduce the possible impact of corruption, particularly on areas such as health, education and justice.

677. The Committee recommends that the State party continue to increase its budgetary allocations to key areas for children and develop an adequate monitoring system to ensure that budgetary allocations effectively reach the most vulnerable groups and to reduce regional disparities, in particular between rural and urban areas. The Committee also recommends that the State party:

(a) Pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure the implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, and to undertake such actions "to the maximum extent of available resources and, where needed, within the framework of international cooperation";

(b) Ensure that the commitment to poverty reduction is reflected in the social sector budget allocation and spending, and that the attainment of the Millennium Development Goals and social sector interventions affecting children are made central to the next Poverty Reduction Strategy Paper and the national development strategy;

(c) Continue and strengthen its efforts to combat corruption, paying special attention to the areas of health, education and justice.

Data collection

678. The Committee notes with appreciation the State party's efforts to collect, analyse and disaggregate statistical data on children and child rights, including the creation of BenInfo database managed by the National Institute of Statistics and Economic Analysis. However, the Committee is concerned that there is insufficient data regarding children belonging to the most vulnerable groups, including child victims of violence and sexual abuse, children in alternative care, street children, children infected with HIV, children with disabilities, and children living in poverty.

679. The Committee recommends that the State party continue to strengthen its mechanisms for data collection by establishing a central database on children and developing 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, for example, by age for all persons under 18, sex, urban and rural area, and by those groups of children who are in need of special protection, as mentioned in paragraph 677 above. The Committee further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention and to evaluate progress made. Furthermore, the Committee recommends that the State party continue to seek technical assistance from UNICEF.

Dissemination, training and awareness-raising

680. The Committee is encouraged by the efforts undertaken by the State party to disseminate information on the Convention, for example the publication of the Convention in the Official Gazette on 5 September 2006, the translation of the Convention into the Fon and Dendi languages and the preparation of an illustrated simplified version of the Convention. However, the Committee notes with concern that the principles and provisions of the Convention are not disseminated systematically at all levels of society, notably in rural areas and among children, and that training on the Convention is not permanent and remains insufficient.

681. The Committee encourages the State party to further disseminate the Convention, including through incorporating human rights education into the curricula of both primary and secondary schools, and to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel, and especially children themselves. The Committee also recommends that the legislation on child rights be widely disseminated.

Cooperation with civil society

682. The Committee takes note of the relationship between the Government and civil society and their mutual cooperation. The Committee also notes the active role played by civil society in the provision of services, particularly social services.

683. The Committee emphasizes the important role that civil society plays as a partner in implementing the provisions of the Convention and encourages further cooperation with NGOs. In this respect, the Committee recommends that the State party, guided by the recommendations adopted on the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights held on 20 September 2002 (see CRC/C/121):

(a) Continue and strengthen its cooperation with NGOs and involve them systematically at all stages of the implementation of the Convention as well as in policy formulation;

(b) Ensure that NGOs involved in the provision of services for children, both for profit and non-profit, comply with the principles and provisions of the Convention, for example, by providing guidelines and standards for service provision.

2. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

684. While noting that the Constitution and other domestic laws guarantee the principle of non-discrimination, the Committee notes with concern that this principle is not fully implemented for girls, including *vidomégons* (the practice of placing children with a third part as an act of mutual assistance or family or community solidarity), children in need of alternative care, children with disabilities, street children, children infected by HIV/AIDS, children living in rural areas, and children living in poverty, in particular with regard to their access to adequate health and educational facilities.

685. The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention, by effectively implementing the existing laws which guarantee the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all children, paying particular attention to children belonging to vulnerable groups, and prioritize social and health services and equal opportunities for education and recreational activities for these children. The Committee also encourages the State party to create a supportive and gender-sensitive environment which promotes the equal rights of girls to participate in the family, at school, within other institutions, in local communities and in society in general.

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

Best interests of the child

687. While the Committee notes efforts undertaken by the State party, it is concerned that according to paragraph 218 of the State party report, the general principle of the best interests of the child has not yet been clearly incorporated in the domestic legislation and is not adequately respected and implemented in practice in all domains of policy affecting children.

688. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions, and in projects, programmes and services that have direct and indirect impact on children. The Committee also recommends that the future Children's Code specifically provide that "the best interests of the child" is a primary consideration in all activities in conformity with article 3, paragraph 1, of the Convention and that new legislation make clear reference to that Code. Furthermore, the Committee recommends that the State party carry out training seminars and workshops for professionals working on children's rights as well as sensitization campaigns with various stakeholders, including traditional leaders, to promote full respect for the principle of the best interests of the child.

Right to life, survival and development

689. The Committee reiterates its concern that infanticide of so-called "sorcerer's children" motivated by traditional beliefs continues to be practiced in certain communities and on infants with disabilities or, for instance, children presented at birth in the breech position or children teething with upper teeth.

690. The Committee recommends that the State party take measures, including legislative ones, to prevent and stop infanticide, and to protect infants and guarantee their right to life, survival and development. In this respect, the Committee recommends community education on child rights, including work with literacy classes and primary schools, promotion of skilled delivery in health centres with properly trained midwives as well as follow-up of newborns in the community and provision of adequate support to the NGOs and religious groups working in the field. The Committee also recommends that those who commit infanticide be brought to justice.

Respect for the views of the child

691. The Committee welcomes the efforts to promote the respect of the views of the child, including the preparation of a draft law on the Children's Parliament which should institutionalize its existence and define its goals. However, the Committee remains concerned that traditional societal attitudes limit children in freely expressing their views in schools, in courts, or within the family and the community.

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

(a) **Promote and facilitate, within the family and in schools as well as in judicial and administrative procedures, that children are heard and their opinions given due weight, so that they can participate in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, children themselves and society at large, on children's right to participate and to have their views taken into account;**

(c) **Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.**

693. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.

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

Birth registration

694. While noting the measures undertaken to implement the Committee's previous recommendation, including the establishment of registry offices at district (*arrondissement*) level and the conduct of awareness raising campaigns, the Committee is concerned that many children are still not registered at birth, in particular children living in remote rural communities and children from disadvantaged families.

695. **The Committee recommends that the State party take all necessary measures to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that the State party provide support to local authorities to promote a higher level of birth registration, possibly with auxiliary registry officers at village level, and launch a national campaign of mobile court hearings making complementary decisions on late birth declarations, which should be free of charge.**

Access to appropriate information

696. While noting the existence of the High Authority for the Audiovisual and the Community (*la Haute Autorité de l'Audiovisuel et de la Communauté*) and the Cinematographic Censorship

Committee, the Committee is concerned about the insufficient budgetary allocations to these mechanisms. The Committee also expresses its concern at the insufficient quality control of information intended for children and the fact that children are exposed to harmful information, such as violence and pornography, in uncontrolled video clubs and through access to the Internet.

697. In the light of article 17 of the Convention, the Committee recommends that the State party take all necessary legislative and other measures to improve the quality control of information intended for children, including through allocating adequate resources to the mechanisms mentioned in paragraph 696 above. The Committee also recommends that the State party carry out advisory campaigns directed to parents, guardians and teachers and cooperate with, inter alia, Internet service providers in order to protect children from being exposed to harmful material such as violence and pornography in video clubs and through the Internet.

Corporal punishment

698. The Committee notes with particular concern that corporal punishment is lawful in the home and institutions. Although measures are being taken to address this issue in the context of disciplinary measures in schools, the Committee is concerned that corporal punishment in schools is not prohibited by law and that corporal punishment is widespread throughout society as a method of discipline, due to the generally tolerant attitude towards this practice.

699. The Committee recommends that the State party:

- (a) Explicitly prohibit corporal punishment by law in the family, schools and institutions and implement existing prohibitions;**
- (b) Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment as well as an evaluation of the impact of measures taken so far by the State party to reduce and eliminate corporal punishment;**
- (c) Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education;**
- (d) Ensure that an educational programme be undertaken against corporal punishment, emphasising both child rights and its psychological aspects;**
- (e) Ensure recovery and social reintegration of victims of corporal punishment.**

700. The Committee draws the attention of the State party to the Committee's general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

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

Alternative care for children

701. The Committee reiterates its concern at the high number of children in need of alternative care, the insufficient capacity of alternative care facilities and the lack of support for the existing ones. The Committee also regrets the limited information and data on children placed in alternative care, particularly regarding an evaluation of the quality of care and the review of placement.

702. The Committee recommends that the State party, taking into account the recommendations adopted at the Committee's day of general discussion on children without parental care on 16 September 2005 (CRC/C/153, paras. 636-689):

- (a) Take measures to prevent the separation of children from their families;**
- (b) Allocate appropriate human and financial resources to ensure the provision of adequate care and protection to children deprived of a family;**
- (c) Provide additional training for social and welfare workers;**
- (d) Establish independent complaint mechanisms in respect of alternative care institutions and conduct periodic reviews for the placement of children;**
- (e) Establish effective evaluation mechanisms for alternative care institutions and ensure that such evaluation involves direct consultation with children;**
- (f) Develop, standardize and control the quality of alternative care and related programmes and services.**

Adoption

703. While noting the efforts undertaken by the State party with regard to the revision of its adoption procedures, the Committee is concerned at the lack of information and data on intercountry, national and so-called "informal adoptions".

704. The Committee recommends that the State party take all necessary measures to ensure that the best interests of the child be paramount in all stages of adoption proceedings and that the State party:

- (a) Regulate domestic adoption, e.g. within the extended family and community, in accordance with the Convention with a view to strengthening the protection of the rights of adopted children;**
- (b) Ensure that the relevant provisions of the Persons and Family Code are widely disseminated;**

(c) Ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993;

(d) Seek technical assistance from, inter alia, UNICEF.

Violence, abuse and neglect

705. While welcoming efforts undertaken to combat all forms of abuse and violence against children, the Committee remains concerned at the acute problem of violence against children and child abuse within families. The Committee is also concerned at the limited measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, the lack of adequate financial and human resources, the insufficient number of adequately trained personnel to prevent and combat abuse, as well as the lack of awareness and information, including statistical data on these practices.

706. **In the light of article 19, the Committee urges the State party to:**

(a) Conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, develop indicators and design policies and programmes to address it;

(b) Improve the reporting of cases of violence against children and child abuse, for example by establishing mandatory reporting for professionals working with and for children and to train professionals, such as teachers, law enforcement officials, health professionals, social workers and judges, in identifying, reporting and managing child abuse and ill-treatment cases;

(c) Establish effective procedures and child-sensitive 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;

(d) Strengthen the systems of service delivery related to child protection, particularly the Brigade for the Protection of Minors (*la Brigade pour la Protection des Mineurs*) through allocation of human and financial resources;

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

(f) Increase its support to and collaboration with the toll-free national helpline in order to ensure that the helpline reaches more children, including in the remote areas, inter alia by extending it to a 24-hour daily service with a 3-digit toll-free number, raising awareness amongst children and allocating resources, including financial, to ensure that the helpline can assist children in emergency situations;

(g) Continue to provide adequate care, full physical and psychological recovery and social reintegration for child victims of violence;

(h) Seek technical assistance from, inter alia, UNICEF.

707. 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 West and Central Africa held in Mali from 23 to 25 May 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse. In addition, the Committee would like to draw the State's party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations as well as setting specific recommendations contained in this report.

5. Basic health and welfare

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

Children with disabilities

708. While noting measures undertaken by the State party, in particular the implementation of the programme of action for 2001-2006, the Committee reiterates its concern at the persisting de facto discrimination, lack of statistical data on the number of children with disabilities and insufficient educational opportunities for these children.

709. The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (see CRC/C/69, paras. 310-339):

(a) Complete the survey on persons with disabilities;

(b) Consider developing and adopting a national policy or strategy on persons with disabilities, paying particular attention to children with disabilities;

(c) Consider creating an inter-institutional plan with the support of local government and civil society and thereby strengthen cooperation between teachers, school management, parents, children and society at large;

(d) Provide all children with disabilities with access to adequate social and health services, including community based support and services, the physical environment, information and communication, and continue its efforts to standardize the provision of service;

(e) Allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in rural areas;

(f) Provide the necessary financial resources for the development of education for children with special needs and further encourage their inclusion into the general educational system and into society;

(g) Collect adequate statistical data on children with disabilities and use disaggregated data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children with disabilities living in rural areas;

(h) Promote awareness and tolerance concerning children with disabilities throughout communities and disseminate information that would assist in eliminating the traditional practice of infanticide.

Health and health services

710. The Committee notes with appreciation the various health programmes and projects undertaken by the State party, including the Bamako Initiative, the results of the successful immunization programme and the integrated approach to child survival, the high level of antenatal care and the reasonably high level of assisted births. However, the Committee is concerned that infant, neonatal and maternal death rates remain very high. It is also concerned at the high incidence of malnutrition in the State party.

711. The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children, including children living in the most remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children, including through:

(a) Continuing to ensure the provision of necessary medical assistance and health-care access to all children with emphasis on the development of primary health care;

(b) Strengthening its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved nutrition and sanitary conditions, greater access to clean drinking water, and the management of communicable diseases and malaria;

(c) Increasing its efforts to further reduce maternal mortality throughout the country, including generalization of specific actions to prevent post-partum bleeding and other major causes of maternal death;

(d) Allocating appropriate resources to the implementation of the Integrated Management of Childhood Illness (IMCI) programme;

(e) Pursuing immunization efforts, including through improved outreach activities and immunization of “drop-out” children, and efficient implementation of the full package of integrated interventions in all health districts;

(f) Improving the provision of effective basic essential obstetrical care (BEOC) and emergency obstetrical care (EmOC) in hospitals, including by providing a sufficient number of trained personnel and equipment, supplies and emergency medicines, increasing the number of district hospitals and re-evaluating and extending the relatively low number of certified baby-friendly hospitals;

(g) Ensuring that all segments of the society are informed, have access to education on and support on the use of basic knowledge of child health and nutrition, including the advantages of exclusive breastfeeding for children up to 6 months;

(h) Setting up community based mutual benefit health-care organizations (*mutuelles*);

(i) Seek technical cooperation from UNICEF and WHO.

Harmful traditional practices

712. The Committee notes with appreciation the efforts undertaken by the State party to prevent the practice of female genital mutilation (FGM), including the Law on the Suppression of Female Genital Mutilation of 2003, and that some practitioners have abandoned this practice. However, the Committee reiterates its concern at the de facto persistence of practices harmful to the girl child, including FGM. The Committee emphasizes that FGM is incompatible with the principles and provisions of the Convention.

713. The Committee recommends that the State party strengthen and accelerate its ongoing efforts to prevent 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. The Committee also recommends that the State party establish follow-up procedures for the practitioners of FGM who have abandoned their profession and, in this respect, strengthen the links with local authorities in the neighbouring countries, as mentioned during the dialogue with the State party.

Adolescent health

714. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee is specifically concerned at the situation of girls due to the high percentage of unwanted pregnancies and complications resulting from unsafe abortions, as these have a negative impact on their health and development, and notes the limited availability of programmes and services

in the area of adolescent health at school. While noting information provided by the delegation on the existence of a drug abuse centre, the Committee is concerned at the lack of information and data on the level of drug abuse and alcohol consumption in the State party and that these practices are not prohibited.

715. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 of 2003 on adolescent health and development in the context of the Convention on the Rights of the Child:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs), especially through reproductive health education;

(b) Strengthen adolescent-sensitive mental and reproductive health counselling services and make them known and accessible to adolescents;

(c) Strengthen measures to address the problem of alcohol consumption and drug abuse among children and ensure that the drug abuse centre receives adequate human and financial resources for its proper functioning;

(d) Seek technical assistance from UNICEF, WHO and UNFPA.

HIV/AIDS

716. The Committee notes with appreciation various measures undertaken by the State party, including the "Unite for Children, Unite Against AIDS" campaign, the 2006-2010 National Framework to Fight HIV/AIDS, the Law on Prevention, Care and Support related to HIV/AIDS and the establishment of the National Committee to Fight AIDS (CNLS). However, the Committee remains deeply concerned at the high prevalence of HIV/AIDS and that children and women of childbearing age remain highly vulnerable to contracting HIV/AIDS. It is further concerned at the fact that only a limited number of HIV-infected children have access to antiretroviral medication.

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

(a) Strengthen the CNLS and service delivery systems providing prevention, care and treatment to children and women;

(b) Strengthen its efforts in combating the spread and effects of HIV/AIDS, including by providing all pregnant women with adequate health and social services free of charge, and by ensuring the provision of antiretroviral drugs and paediatric care;

- (c) Ensure improved coordination between components and scaling up to achieve national coverage of activities in the area of preventing mother-to-child transmission of HIV (PMTCT);**
- (d) Expand its protective and preventive assistance to orphaned and vulnerable children, especially adolescents;**
- (e) Support the linking of such efforts to improved care for all orphans and assistance to the national network of Associations of People Living with HIV/AIDS (PLWHA);**
- (f) Provide for a system of voluntary testing for HIV with full respect for the right to privacy and confidentiality;**
- (g) Combat stigmatization of and discrimination against people, including children, infected with HIV;**
- (h) Carry out comprehensive information campaigns about HIV/AIDS, its transmission channels, treatment and prevention measures as well as sex education, including condom promotion, and provide training to teachers and other education personnel in this respect; and**
- (i) Involve children, in the development and implementation of HIV/AIDS policies and strategies.**

Standard of living

718. The Committee expresses its concern at the widespread poverty in the State party and regrets the lack of information on the actual extent of children living in poverty. Concern is also expressed at the regional disparities in the standard of living and the direct correlation between poverty, health status and health care, and access to education. While noting the improvements in water supply, the Committee is concerned at the limited access to clean and safe drinking water and adequate sanitation in the country.

719. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party:

- (a) Pay particular attention to the rights and needs of children when implementing national development plans and programmes and elaborating the second Poverty Reduction Strategy Paper (PRSP II);**
- (b) Introduce specific measures in health services to ensure that children and mothers living in poverty are not excluded from curative, and especially preventive and promotional health care;**

(c) Increase its effort to provide adequate water sanitation and access to clean drinking water throughout the country, including by improving the capacity of technical services to use all funds made available and of community management of water points in order to make water supply sustainable at reduced user cost;

(d) Undertake a large-scale, long-term action, in cooperation with relevant stakeholders, to improve sanitation and household hygiene, especially in rural areas.

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

Education, including vocational training and guidance

720. The Committee notes with appreciation the various efforts undertaken by the State party, including the adoption of the national plan of action entitled “Education for All” and the Ten Year Development Plan for the Education Sector which, according to the delegation, will be revised. The Committee welcomes the plan to allocate grants to cover the cost of education for all children in the country and the recent reforms focusing on improved financial management of education resources. Nonetheless, the Committee has a number of specific concerns in relation to the high illiteracy rate, the large number of dropouts, overcrowding in classrooms, the low transition rate to secondary school, unqualified “community teachers”, the insufficient number of trained teachers and available school facilities, the insufficiency of budget allocations for pre-primary, primary and secondary schools, the poor quality of education, and the sexual violence and harassment in schools. The Committee is also concerned that the curricula of the Koranic schools are not in conformity with article 29 of the Convention.

721. In the light of articles 28 and 29 of the Convention and taking into account the Committee general comment No. 1 of 2001 on the aims of education, the Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:

(a) Revise the Ten Year Development Plan for the Education Sector and ensure that resources are allocated accordingly to ensure its effective implementation;

(b) Take all appropriate measures to ensure that primary education is free, both in terms of direct and indirect costs, and take measures to prevent children from dropping out of primary education;

(c) Take actions to prevent corporal punishment, sexual violence and harassment in schools;

(d) Pay specific attention to gender, socio-economic and regional disparities in access to and full enjoyment of the right to education, including by introducing specific measures to ensure that children from economically disadvantaged households are not excluded and have equal opportunities;

- (e) Reinforce the implementation of the Essential Learning Package to accelerate girls education and take effective measures to reduce the growing gender disparity in literacy levels, including measures aimed at altering cultural conceptions that literacy is aimed primarily at boys;**
- (f) Continue to take measures to increase enrolment rates in secondary education and technical and vocational training;**
- (g) Increase the number of trained teachers, especially female, provide further school facilities, especially in rural areas and strengthen efforts to improve the quality of education through providing appropriate and continuous training to teachers, including “community teachers”;**
- (h) Design and implement a programme of activities providing alternative educational opportunities for non-enrolled children and dropouts, include gender issues, life skills and knowledge/awareness on HIV/AIDS in teacher training with improved supervision and on-the-job counselling of teachers by school inspectors;**
- (i) Continue to include human rights training, in particular the rights of children, into the school curricula;**
- (j) Take measures to ensure that the curricula of the Koranic schools are in conformity with article 29 of the Convention and incorporate these schools in the general educational system;**
- (k) Improve statistical gathering and analysis.**

Leisure, recreation and cultural activities

722. The Committee notes with concern that according to the State party inadequate consideration is given to the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts. The Committee is also concerned that the right to rest is not systematically recognized for children in informal education or for working children.

723. **The Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, in particular vulnerable groups of children, taking into consideration the physical and psychological development of the child. The Committee also recommends that the State party further develop after school activities for all children and allocate adequate budget funds for their effective functioning. Furthermore, the Committee recommends that steps be taken with local authorities and the Ministry of Transport, Public Works and Town Planning to ensure that land is reserved for leisure and sports activities in all subdivisions and that the Ministry of Culture, Sports and Leisure provide more support to youth organizations.**

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

Asylum-seeking and refugee children

724. The Committee notes with appreciation the State party's respect for the rights of asylum-seekers and facilitation of refugee children's access to basic services, including health care, education and leisure. However, the Committee is concerned at reports of abuse and violence against these children.

725. The Committee recommends that the State party:

(a) Continue its efforts in favour of refugee children, in particular the provision of basic social services;

(b) Consider adopting a national policy of assistance to and coverage of children in emergency situations;

(c) Pursue and take further action required against perpetrators of crimes against refugee children as prescribed within the provisions of the Penal Code of Benin.

Economic exploitation, including child labour

726. The Committee is deeply concerned at the prevalence of child labour among young children under the age of 14, at the traditional practice of domestic servants or *vidomégons*, and at the increased number of children working in the informal sector.

727. The Committee urges the State party to:

(a) Undertake surveys throughout the territory with a view to establishing, inter alia, the number of working children, their age, occupations, the number of working hours and the remuneration received;

(b) Strictly enforce provisions of the Labour Code pertaining to children, combined with information on legislation regarding child labour and the creation of appropriate educational opportunities for children;

(c) Strengthen community based mechanisms to prevent and monitor internal child trafficking and economic exploitation, in particular in the informal sector, and, at the same time, undertake preventive actions to improve living conditions and economic opportunities for families, in the rural areas as well as high-risk zones paying particular attention to less privileged families;

(d) Continue to cooperate with the International Programme on the Elimination of Child Labour of the International Labour Organization (ILO/IPEC).

Sexual exploitation and sexual abuse

728. The Committee welcomes the inter-ministerial order penalizing sexual violence in schools, but it expresses its concern at reports of sexual abuse and exploitation of children and regrets the lack of information in the State party report on the scope of the problem and measures taken to combat these practices. While welcoming the adoption of the Code on Persons and the Family which sets the legal age for marriage for boys and girls at 18, the Committee regrets the lack of clarity on the legal minimum age of sexual consent as there is no provision to this effect in the State party's domestic legislation.

729. The Committee urges the State party to:

(a) Conduct a comprehensive study to assess the causes, nature and extent of sexual exploitation and abuse of children;

(b) Adopt a plan of action to prevent and combat sexual exploitation and sexual abuse;

(c) Ensure that children's testimonies are recorded in an appropriate way and that the persons carrying out the hearing have the necessary specialist qualifications;

(d) Make the prevention of sexual abuse and exploitation a compulsory subject in all relevant training programmes;

(e) Take measures to ensure that teachers and children be made fully aware of the gravity of sexual abuse and violence and that the inter-ministerial order penalizing sexual violence is rigorously applied as well as the due process of law;

(f) Ensure that perpetrators of sexual abuse and exploitation are brought to justice;

(g) Provide sustained information and education on the Persons and Family Code together with actions to improve knowledge and operational capacity of actors in the judicial system and review and amend as appropriate the existing legislation to establish a minimum age for sexual consent;

(h) Strengthen its efforts, including adequate human and financial resources, to provide care, full physical and psychological recovery and social reintegration for child victims of sexual exploitation and sexual abuse and consider establishing a centre for recovery and social reintegration of the child victims.

Sale, trafficking and abduction

730. While welcoming the ongoing efforts by the State party to combat child trafficking, including the new Law on the Suppression of Trafficking in Children, the National Policy and Strategy on Child Protection, and the National Study on Child Trafficking, the Committee is concerned at the information that a high number of children under 18, especially adolescent girls, are still being trafficked for the purpose of sexual exploitation and domestic labour in other countries.

731. 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 allocating sufficient resources to these efforts. Furthermore, the Committee recommends that the State party:

(a) Improve knowledge, data collection mechanisms and the causal analysis of problems related to child protection, including trafficking, at the central, departmental and local authority levels;

(b) Develop and implement a programme for prevention of and protection against trafficking within the framework of the National Policy and Strategy on Child Protection;

(c) Strictly enforce all legislation related to trafficking and publish information on the phenomenon, including statistics;

(d) Strengthen community based mechanisms to prevent and monitor child trafficking and exploitation, including the local committees, and, at the same time, undertake preventive actions to improve living conditions and economic opportunities, in the zones of departure as well as high-risk zones paying particular attention to economically disadvantaged families;

(e) Continue to pursue efforts for transnational collaboration on combating child trafficking and the establishment and implementation of agreements between neighbouring countries;

(f) Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials and border guards;

(g) Launch awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and sensitize officials working with and for victims of trafficking;

(h) Establish a proper monitoring system of children when returned to their families;

(i) Provide, in partnership with stakeholders, adequate programmes of assistance, psychosocial rehabilitation 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.

Street children

732. The Committee expresses its concern at the increasing number of children living, working and begging in the streets (the *talibés*), especially in urban areas, who are also victims of economic and sexual exploitation and at risk of HIV/AIDS infections. The Committee is also concerned at the lack of programmes to address the needs of these children and to protect them.

733. The Committee recommends that the State party:

(a) Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;

(b) Develop and implement, with the active involvement of street children themselves, a comprehensive policy which should address the root causes of this situation, in order to prevent and reduce its occurrence;

(c) In coordination with NGOs, provide street children with the necessary protection, accommodation, adequate health-care services, education and other social services, according to their needs;

(d) Support family reunification when it is in the best interests of the child.

Administration of juvenile justice

734. The Committee notes efforts made by the State party, including the development of a strategy to set up a juvenile justice system in accordance with the Convention which envisages alternative measures for juveniles in conflict with the law in order to rehabilitate children, foster reintegration into the community and prevent relapse. Nevertheless, the Committee is concerned at reports of inhumane conditions in the juvenile quarters and reports that children can be detained for a long period of time in police stations and detention centres before trial and that they are not always separated from adults. The Committee is also concerned at the insufficient number of juvenile judges in the country and the lack of alternative measures to deprivation of liberty. Furthermore, the Committee regrets the lack of a minimum age for criminal responsibility.

735. The Committee recommends that the State party continue to strengthen its efforts to bring the administration of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) 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 held on 13 November 1995 (CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:

(a) Strictly enforce existing legislation and legal procedures with more intense and systematic training for judges, counsels for persons under 18, penitentiary staff and social workers on children's rights and special needs;

(b) Urgently establish an age for criminal responsibility at an internationally acceptable level;

(c) Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, when appropriate;

(d) **Implement alternative measures to deprivation of liberty, such as probation, community service or suspended sentences, in order to ensure that persons below 18 are deprived of liberty only as a last resort and for the shortest appropriate period of time;**

(e) **Consider establishing family courts with specialized juvenile judges;**

(f) **Facilitate the reintegration of children in their families and communities and follow-up by social services.**

8. Optional Protocols

736. **The Committee encourages the State party to submit its initial reports under the Optional Protocols to the Convention on the Rights of the Child in a timely manner and recommends that the State party publish the two Optional Protocols in the Official Gazette in order to make them part of the written law.**

9. Follow-up and dissemination

Follow-up

737. **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 and to departmental and communal authorities, for appropriate consideration and further action.**

Dissemination

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

10. Next report

739. **The Committee invites the State party to submit a consolidated third, fourth and fifth report by 1 March 2011 (that is 18 months before the due date of the fifth periodic report). This is an exceptional measure due to the large number of reports received by the Committee every year. 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: Ireland

740. **The Committee considered the second periodic report of Ireland (CRC/C/IRL/2) at its 1182nd and 1184th meetings (see CRC/C/SR.1182 and 1184), held on 20 September 2006, and adopted at its 1199th meeting, held on 29 September 2006 the following concluding observations.**

A. Introduction

741. The Committee welcomes the submission of the State party's comprehensive report, as well as the detailed replies to the list of issues (CRC/C/IRL/Q/2 and Add.1), which provide further information on the situation of the children in Ireland. It further notes with appreciation the fruitful and open dialogue with the high-level delegation of the State party.

B. Follow-up activities and progress achieved by the State party

742. The Committee notes with appreciation the adoption of new legislation and policy measures, such as:

- (a) The Equal Status Act and the Education (Welfare) Act of 2000;
- (b) The Human Rights Commission Acts of 2000 and 2001;
- (c) The Children Act of 2001;
- (d) The Ombudsman for Children Act of 2002;
- (e) The Education for Persons with Special Needs Act of 2004; and

(f) The National Children's Strategy of 2000, entitled *Our Children – Their Lives*, the National Play Policy of 2004, entitled *Ready, Steady, Play*, and the National Anti-Poverty Strategy reviewed in 2001.

743. The Committee notes with appreciation the ratification of international treaties relevant to the protection of the rights of the child, including:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts in November 2002;
- (b) The International Convention on the Elimination of All Forms of Racial Discrimination in December 2000; and
- (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in April 2002.

744. The Committee welcomes various measures taken as follow-up to the Committee's concluding observations (CRC/C/15/Add.85) after the consideration of the initial report to the implementation of the Convention, in particular:

- (a) The establishment of the National Children's Office (NCO) and the National Children's Advisory Council in 2001;
- (b) The appointment of an Ombudsman for Children in 2004; and
- (c) The establishment of the Office of Minister for Children in 2005.

C. Main subjects of concern and recommendations

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

Committee's previous recommendations

745. While welcoming various measures taken to follow-up and implement the Committee's previous concluding observations, the Committee regrets that some of the concerns expressed and recommendations made have not yet been fully addressed, in particular those related the status of the child as a rights-holder and the adoption of a child rights-based approach in policies and practices.

746. The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report which have not yet been fully implemented, and to address the list of concerns contained in the present concluding observations related to the second periodic report.

Legislation and implementation

747. The Committee welcomes the steps taken to further develop the legal framework but remains concerned about the slow pace of enactment of specific provisions, in particular the Children Acts 1997 and 2001, that hampers effective implementation of the legal framework. The Committee expresses regret that the Convention has not been incorporated into domestic law as recommended by the Committee in its previous concluding observations.

748. The Committee urges the State party to take, as a matter of priority, all necessary measures, including the allocation of resources, to enact the outstanding provisions in the relevant Children Acts for the protection of children's rights. The Committee encourages the State party to undertake further action to incorporate the Convention into domestic law.

National Plan of Action

749. The Committee welcomes the adoption of the National Children's Strategy in 2000 as the main instrument for the improvement of the lives of children and the enhancement of the protection of their rights. The Committee also notes with appreciation the over-arching principles guiding the actions and the goals set out in the Strategy and the broad-based cooperation and public consultations undertaken in its development, including with non-governmental organizations (NGO) and academics.

750. The Committee recommends that the State party:

(a) Evaluate and assess the achievements of the Strategy in order to ensure that a rights-based approach is applied to all the activities;

(b) Establish specific timeframes for the implementation of the goals and activities of the Strategy;

(c) Provide specific budget allocations for the implementation of the Strategy.

751. The Committee recommends that the State party take steps to ensure that the plan of action covers all areas of the Convention and takes into account the outcome document “A World Fit for Children” adopted by the United Nations General Assembly at its special session on children held in May 2002. The Committee further recommends that the State party implement and monitor the National Children’s Strategy in a participatory and holistic way and submit information on the status and impact of these activities in its next report.

Independent monitoring

752. The Committee welcomes the establishment of the Irish Human Rights Commission and the Ombudsman for Children including his/her Office which deal with the promotion and protection of human rights in general and in particular with children’s rights and their welfare. While welcoming the specific inclusion of powers to investigate complaints by children or on their behalf, the Committee is concerned that some limitations may undermine the mandate of the Ombudsman for Children in investigations related to children in prisons and Garda stations.

753. The Committee recommends that the State party, together with the Ombudsman for Children, review and propose amendments to the specific provisions which limit the scope of the Ombudsman’s Office investigative powers with a view to eliminating possible gaps which may result in a violation of children’s rights.

754. In order to ensure the independent functioning of the Office of the Ombudsman, the Committee recommends that the State party seek ways and means to provide the Office of the Ombudsman with financial resources directly through the Oireachtas (National Parliament) and the Department of Finance. The Committee also draws the State party’s attention to the Committee’s general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Data collection

755. The Committee notes the progress made in the collection of statistical data, in particular through the research functions of NCO within the National Children’s Strategy, and notes with appreciation the commissioned National Longitudinal Study on Children which will explore the lives of children in Ireland. The Committee also notes with appreciation the information provided by the State party in its written replies and the references to a new National Data Strategy (CRC/C/IRL/Q/2/Add.1). However, the Committee remains concerned that there is a lack of systematic and comprehensive data on children, disaggregated by age, sex, ethnicity, and rural and urban areas, which would enable the analysis of the situation of particularly vulnerable children in Ireland, including victims of abuse, neglect or ill-treatment; street children; children with disabilities; and children in institutional care.

756. The Committee recommends that the State party take further measures, including through strengthening the role of the Central Statistical Office and other governmental departments and agencies to develop a systematic and comprehensive collection of disaggregated data in compliance with the Convention, which should be used for the creation, implementation and monitoring of policies and programmes for children.

Dissemination, training and awareness-raising

757. The Committee notes with appreciation that in response to its previous recommendations, the State party has taken further measures to disseminate and make known the Convention among relevant authorities and the public at large. In particular, the Committee welcomes the dissemination of the Convention together with the National Children's Strategy and the awareness-raising activities of the NCO and the Office of the Ombudsman for Children, including through their respective web pages.

758. The Committee encourages the State party to further strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by both adults and children, including through periodic and nation-wide public awareness-raising campaigns that also include child-friendly material, and through targeted campaigns and necessary training for professionals working with and for children, in particular within schools and health and social services, and legal professionals and law enforcement officials.

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

Non-discrimination

759. The Committee welcomes the establishment of the National Action Plan against Racism in 2005 and in particular, the five objectives of the plan for protection, inclusion, provision, recognition and participation. However, the Committee is concerned that the principle of non-discrimination might not be enjoyed equally by all children in the State party and that children of different ethnicities and children belonging to minorities face higher levels of racism, prejudice, stereotyping and xenophobia.

760. The Committee recommends that the State party ensure that the National Action Plan against Racism is fully implemented and that specific attention is given to measures to address racism, prejudice, stereotyping and xenophobia among children, in particular in primary and secondary education.

Best interests of the child

761. The Committee notes that steps have been taken in some areas to ensure respect for the best interests of the child, yet remains concerned that the principle is still insufficiently addressed.

762. The Committee recommends that the State party:

- (a) Ensure that the general principle of the best interests of the child is a primary consideration without any distinction and is fully integrated into all legislation relevant to children;**
- (b) Ensure that this principle is also 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

763. The Committee notes with appreciation the measures taken to promote the respect for the views of the child, including through the Children and Youth Parliaments, and the progress made in establishing effective student councils in post-primary schools. The Committee is, however, concerned at the lack of sufficient provisions for *guardian ad litem* and the fact that these measures are not taken in a systematic and comprehensive manner and that the local level and subject-specific authorities are not addressed. The Committee also notes that a high number of the complaints received by the Ombudsman for Children relate to a lack of respect for the views of the child.

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

- (a) Strengthen its efforts to ensure, including through Constitutional provisions, that children have the right to express their views in all matters affecting them and to have those views given due weight, in particular in families, schools and other educational institutions, the health sector and in communities;**
- (b) Ensure that children are provided with the opportunity to be heard in any judicial and administrative proceedings affecting them, and that due weight is given to those views in accordance with the age and maturity of the child, including the use of independent representations (*guardian ad litem*) provided for under the Child Care Act of 1991, in particular in cases where children are separated from their parents;**
- (c) Take into account the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.**

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

Protection of privacy

765. While noting with appreciation that the privacy of children being prosecuted in the Children Court is protected, the Committee is concerned that children prosecuted in higher courts are not provided with the same protection.

766. The Committee recommends that the State party take necessary measures to extend the protection of privacy to all legal proceedings involving children.

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

Parental responsibilities

767. The Committee welcomes a number of developments in the field of family support structures, in particular the establishment of the Family Support Agency, the introduction of quarterly payments for families with children under the age of 6 and the phased extension of paid maternity leave. However, the Committee is concerned that these structures lack a broad-based and child-centred approach and that the responsibility for support programmes and the delivery of support services is allocated to different governmental authorities.

768. The Committee recommends that the State party:

(a) Undertake an extensive review of the support services provided under the different governmental departments to assess the quality and outreach of these services and to identify and address possible shortcomings;

(b) Extend the social work services provided to families and children at risk to a seven-day, 24-hour service.

Family reunification

769. The Committee notes that the Refugee Act of 1996 provides for an adequate legal framework for family reunification. However, family reunification in accordance with article 10 of the Convention also applies to other situations, including migration. The Committee is concerned that family members seeking reunification do not have access to procedural information and that the principle of the best interests of the child is not taken into account in the decision-making process.

770. The Committee recommends that the State party:

(a) Consider reviewing the definition of family in the Refugee Act of 1996 to better correspond to the developing understanding of the family;

(b) Consider establishing a legal framework for family reunification outside situations under the Refugee Act;

(c) Ensure that the principle of the best interests of the child is always a primary consideration when making decisions involving children under any legal or administrative procedures.

Alternative care for children without parental care

771. The Committee welcomes the establishment of the Social Services Inspectorate which conducts inspections of foster care and residential centres operated by statutory and non-statutory agencies for children without parental care. However, the Committee is concerned

that the Social Services Inspectorate has not yet been established on a statutory basis, lacks the necessary resources to undertake its mandated functions and does not protect all children without parental care.

772. The Committee recommends that the State party:

(a) Consider measures to create a statutory basis for the Social Services Inspectorate to function and extend its mandate to all children without parental care, irrespective of the care required;

(b) Strengthen its efforts to ensure and provide for follow-up and after-care to young persons leaving care centres.

Adoption

773. The Committee remains concerned that the legislation in place does not fully correspond to international standards, particularly with respect to protection in intercountry adoptions, and does not take the best interests of the child into consideration. The Committee is also concerned that the measures taken to review current legislation are slow.

774. The Committee recommends that the State party expedite its efforts to enact and implement the legislative reforms, ensure that all relevant legislation is in conformity with international standards, and that the best interests of the child are a primary consideration.

Violence, abuse and neglect

775. While welcoming efforts undertaken by the State party to respond to the issue of child abuse and neglect, including the creation of guidelines on reporting child abuse, thorough investigations of all reported cases of child abuse and launching a nationwide awareness-raising campaign on child sexual abuse, the Committee remains concerned that no comprehensive national strategy or measures for the prevention of child abuse are in place and that there are delays in accessing support services.

776. In the light of article 19 of the Convention, the Committee recommends that the State party:

(a) Continue reviewing the Children First: National Guidelines, and consider their establishment on a statutory basis;

(b) Ensure that all reported cases of abuse and neglect are adequately investigated and prosecuted and that victims of abuse and neglect have access to counselling and assistance with physical recovery and social reintegration;

(c) Develop a comprehensive child abuse prevention strategy, including developing adequate responses to abuse, neglect and domestic violence; facilitating local, national, and regional coordination, and conducting sensitization, awareness-raising and educational activities;

(d) Ensure that evaluation of all employees and volunteers working with children is undertaken prior to recruitment and that adequate support and training is provided for the duration of their employment.

777. In the context of the Secretary-General's in-depth study on the question of violence against children, the Committee recommends that the State party use the outcome of the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005 as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for gaining momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse. In addition, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement the overarching recommendations as well as setting-specific recommendations contained in this report.

Corporal punishment

778. While noting that the prohibition of corporal punishment within the family is under review and that parental educational programmes have been developed, the Committee is deeply concerned that corporal punishment within the family is still not prohibited by law.

779. The Committee reiterates its previous recommendation (CRC/C/15/Add.85, para. 39) and urges the State party to:

- (a) Explicitly prohibit all forms of corporal punishment in the family;**
- (b) Sensitize and educate parents and the general public about the unacceptability of corporal punishment;**
- (c) Promote positive, non-violent forms of discipline as an alternative to corporal punishment;**
- (d) Take into account the Committee's general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

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

Children with Disabilities

780. While welcoming legislative and policy developments such as the Disability Act of 2005 and the National Disability Strategy of 2004, the Committee remains concerned that the legal framework inadequately addresses the specific needs of children with disabilities and their access to necessary health services and educational facilities and that many of the provisions of the Children Act have not been fully enacted.

781. The Committee recommends that the State party:

(a) Adopt an inclusive and rights-based legal framework that addresses the specific needs of children with disabilities and implement all relevant provisions of the existing legislation related to children with disabilities;

(b) Undertake, with the involvement of children, awareness-raising campaigns which focus on prevention and inclusion, available support and services for children with disabilities, and on combating negative societal attitudes towards children with disabilities.

782. The Committee also urges the State party to review existing policies and practices 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 held on 6 October 1997 (see CRC/C/69, paras. 310-339).

Health and health services

783. The Committee welcomes the commitments undertaken by the State party in a number of policy documents, including Goal No. 3 of the National Children's Strategy and the development of a Primary Care Strategy. The Committee remains concerned, however, about the lack of a comprehensive legal framework in that regard and the absence of statutory guidelines safeguarding the quality of and access to health care services as stipulated in article 24 of the Convention, in particular for children in vulnerable situations.

784. The Committee recommends that the State party:

(a) Adopt all-inclusive legislation that addresses the health needs of children;

(b) Ensure that availability and quality of healthcare services are maintained throughout the country by providing targeted resources and establishing statutory guidelines for the quality of these services;

(c) Ensure that the resources allocated to existing healthcare services for children are used in a strategic and coordinated manner benefiting all, i.e. the public, the community and the voluntary sectors;

(d) Pay special attention to the needs of refugee and asylum-seeking children, and children belonging to the Traveller community, inter alia, by implementing the existing National Strategy for Traveller Health.

785. While welcoming the Mental Health Act of 2001 and noting that the State party has recognized the lack of adequate programmes and services related to the mental health of children and their families, the Committee is concerned that children with mental health difficulties still do not access existing programmes and services for fear of stigmatization, and that some children up to 18 years of age are treated with adults in psychiatric facilities.

786. The Committee reiterates its previous recommendation (CRC/C/15/Add.85, paras. 20 and 38), and recommends that the State party:

(a) Make full use of the findings and implement the recommendations of the Expert Group on Mental Health Policy appointed by the Minister of State at the Department of Health in 2003;

(b) Undertake awareness-raising and sensitization campaigns to prevent stigmatization and ensure that focus is given to early intervention programmes;

(c) Continue its efforts to ensure that children with mental health difficulties benefit from specific services designed for children under 18 years of age.

Adolescent health

787. While noting a number of policy measures taken to address alcohol consumption by children, including the National Alcohol Policy, the Strategic Task Force on Alcohol, and the attention paid to the issue by the Parliamentary Committee on Children and Young People, the Committee remains concerned about the high level of alcohol consumption by adolescents.

788. The Committee recommends that the State party strengthen its efforts to address alcohol consumption by children, by, inter alia, developing and implementing a comprehensive strategy which should include awareness-raising activities, the prohibition of alcohol consumption by children and advertising that targets children. In this regard the Committee also draws the State party's attention to the Committee's general comment No. 4 of 2003 on adolescent health.

789. While welcoming the creation of a Strategic Task Force on Alcohol, the Committee is concerned about the reported increase in suicide rates among boys and adolescent males. The Committee is also concerned about the apparent link between underage substance abuse and the suicide rate.

790. The Committee urges the State party to implement the new ten-year National Strategy for Action on Suicide Prevention and the recommendations from the second report of the Strategic Task Force on Alcohol.

791. While noting that social, personal and health education is incorporated into the curricula of secondary schools, the Committee is concerned that adolescents have insufficient access to necessary information on reproductive health. The education is optional and parents can exempt their children from such education. The Committee is also concerned that sexually transmitted infections are reported to have increased noticeably during the last 10 years and young girls are in particular risk.

792. The Committee recommends that the State party strengthen its efforts to enhance access to adolescent-specific reproductive and sexual health information and services, and that these are not limited to school curricula but can also be accessed within the adolescent daily living environment, in addition to information and awareness-raising campaigns.

Harmful traditional practices

793. The Committee notes with concern that some immigrant communities continue to practice female genital mutilation (FGM) in Ireland. The Committee strongly emphasizes that FGM is a violation of the Convention.

794. The Committee urges the State party to continue its efforts to end the practice of FGM, for example, through prohibiting FGM by law, including the possibility of extra-territorial jurisdiction, and implementing targeted programmes which sensitize all segments of the population about its extremely harmful effects. The Committee recommends that the State party involve and mobilize all relevant partners at the local level, including teachers, midwives, traditional health practitioners and religious and community leaders to prevent the practice of FGM. It also draws the attention of the State party to the recommendations adopted on the day of general discussion on the girl child held on 21 January 1995 (see CRC/C/38).

Standard of living

795. The Committee recognizes that the favourable economic development of Ireland has contributed to the reduction in the overall poverty level. The Committee remains however concerned that a number of children in particularly vulnerable situations are living in households where the income remains significantly lower than the national median income.

796. The Committee recommends that the State party:

(a) Effectively implement its National Anti-Poverty Strategy and strengthen its support to families living in economic hardship in order to ensure that poverty is reduced and children are protected against the negative impact of economic hardship on their development;

(b) Introduce a supplement to the existing universal child benefit payments as an additional and targeted allowance to assist families which experience the highest levels of poverty;

(c) Implement fully existing policies and strategies and increase budgetary allocations for and subsidization of services, including childcare, healthcare and housing, for families with children who are particularly vulnerable;

(d) Increase investments in social and affordable housing for low-income families.

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

Education, including vocational training and guidance

797. The Committee welcomes the State party's efforts to develop and strengthen the legal and policy framework for the right to education. The Committee is, however, concerned that the

de facto cost of education and materials in public primary schools is in some instances the responsibility of parents; the views and specific needs of children are not always adequately taken into account; and that particularly high dropout rates exist among children belonging to the Traveller community and children with disabilities.

798. The Committee recommends that the State party:

(a) Continue taking measures to create an educational environment where the special needs of the child are taken into consideration, inter alia, by undertaking appropriate professional assessment of the specific needs of children, providing technical and material support for children with special needs, ensuring children in schools have the right to be heard in all matters concerning their well-being, and by continuing efforts to reduce overall class sizes to provide education to all children on an equal footing;

(b) Ensure that budgetary allocations are also directed at improving and upgrading school buildings, recreational equipment and facilities, and the sanitary conditions in schools;

(c) Ensure that necessary measures are taken to combat the phenomenon of bullying and that its consequences are dealt with in a responsive and child-sensitive manner;

(d) Publish and disseminate the prepared Traveller Education Strategy and undertake training activities for teachers in order to sensitize them to Traveller issues and inter-cultural approaches.

799. The Committee reiterates the concern raised by the Committee on the Elimination of Racial Discrimination in its concluding observations on the initial and second periodic reports of the State party (CERD/C/IRL/CO/2) that non-denominational or multid denominational schools represent less than 1 per cent of the total number of primary education facilities.

800. The Committee encourages the State party to take fully into consideration the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2, para. 18) which encourages the promotion of the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework to eliminate discrimination in school admissions.

Leisure, recreation and cultural activities

801. While welcoming initiatives such as the National Play Policy which contains several activities and responsibilities for a number of government departments, local authorities and health boards and enhances the opportunities for children to enjoy leisure, recreation and cultural activities, the Committee is concerned that little political and financial importance is given to the creation of recreational facilities and that increasing housing demands may further hamper the developments of play grounds and public space.

802. **The Committee recommends that the State party place more emphasis on the creation of facilities for children to enjoy leisure, recreation and cultural activities.**

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

Refugee and asylum-seeking children

803. While noting the recent developments regarding asylum-seeking processes through the 2006 Immigration, Residency and Protection Bill, the Committee is concerned that unaccompanied children or children separated from their parents might still not receive adequate guidance, support and protection during the asylum process, in particular with respect to access to services and an independent representation.

804. **The Committee recommends that the State party take necessary measures to bring policy, procedures and practice into line with its international obligations, as well as with the principles outlined in other documents, including the Statement of Good Practices produced by the United Nations High Commissioner for Refugees and Save the Children. The Committee further encourages the State party to ensure that the same standards of and access to support services applies, whether the child is in the care of the authorities or their parents. The Committee also draws the attention of the State party to its general comment No. 6 of 2005 on treatment of unaccompanied and separated children outside their country of origin.**

Administration of juvenile justice

805. The Committee welcomes the fact that in the Children Act 2001, the age of criminal responsibility was raised from 7 to 12 years with a rebuttable presumption that the minimum age of responsibility is 14, however it regrets that this part of the Act did not enter into force. Furthermore, the Committee is very disappointed that this part of the Children Act was transferred to the Criminal Justice Act 2006 in which the age of criminal responsibility was lowered to 10 years for serious crimes.

806. **The Committee recommends that the State party reinstate the provisions regarding the age of criminal responsibility as established in the Children Act 2001.**

807. The Committee welcomes the establishment of the Irish Youth Justice Service under the Department of Justice, Equality and Law Reform, yet regrets that it is not established on a statutory basis. The Committee is also concerned that the Anti-Social Behaviour Orders provided for in the Criminal Justice Act 2006 will have the effect of bringing “at risk” children closer to the criminal justice system, especially as a breach of an Order is considered a crime. Furthermore, the Committee is concerned that the wide discretion of the judges as to the type and content of an Order may lead to measures that are disproportionate to the impugned behaviour.

808. **The Committee recommends that:**

(a) The State party provide a statutory basis for the Irish Justice Service and that the Justice Service give high priority to the drafting and implementation of a child-oriented, rights-based Youth Justice Policy based on the Convention;

(b) The Anti-Social Behaviour Orders be closely monitored and only used as a last resort after preventive measures (including a diversion scheme and family conferences) have been exhausted.

809. The Committee notes with appreciation the establishment of the Garda Diversion Programme provided for by law in the Children Act 2001, brought into force in 2002. However, the Committee is concerned that the 2006 Act extends the programme to children from the age of 10 years who have committed “anti-social behaviour.” The Committee is further concerned that admission to the programme can be considered as a sentence in future criminal proceedings.

810. The Committee recommends that children who have committed “anti-social behaviour” cannot be diverted to the Garda Diversion Programme, and that admission to the programme can never be considered as a sentence in future criminal proceedings. The Committee further urges the State party to implement a set of alternative measures as a matter of priority to ensure that the deprivation of liberty is used only as a last resort and for the shortest possible time.

811. While noting with appreciation the intention of the State party to provide for all detained children up to the age of 18 to be held in separate detention facilities - so-called Children Detention Schools - the Committee is deeply concerned that children aged 16 and 17 years are detained in St. Patrick’s Institution which is a closed, medium-security detention centre for males aged 18 to 21 years, with no facilities for education. In addition, the Committee is concerned that the Ombudsman for Children is excluded from investigating complaints emerging from that institution and undertaking inspections of police stations.

812. The Committee recommends that the State party make every effort to use detention as a last resort. Where detention is deemed unavoidable, the Committee recommends that the State party provide children under the age of 18 with separate detention facilities. The Committee encourages the State party to make every effort in order to include in the investigation and inspection mandate of the Ombudsman for Children all places of detention where children are currently held.

Sexual exploitation and sexual abuse

813. While noting the Sex Offenders Act of 2001 that provides comprehensive protection of the public against sex offenders, the Committee is concerned about the lack of information concerning child victims of prostitution and child pornography.

814. The Committee recommends that the State party collect information and undertake research on child prostitution, pornography and other forms of sexual exploitation and sexual abuse of children with a view to developing targeted measures, and requests the State party to provide detailed information in that respect in its next report.

Sale and trafficking

815. While noting the Child Trafficking and Pornography Act of 1998 and the 2006 Trafficking in Persons and Sexual Offences Bill, the Committee regrets the lack of specific information on the situation of child victims of abduction and sale or traffic for any purpose or in any form.

816. **In line with articles 34 and 35 of the Convention, the Committee reiterates the recommendation by the Committee on the Elimination of Discrimination against Women (CEDAW/C/IRL/CO/4-5) on, inter alia, the adoption and implementation of a comprehensive strategy to combat trafficking, and the measures to be put in place for the physical and psychological recovery and social reintegration of victims of trafficking, including the provision of shelter, counselling and medical care. The Committee requests the State party to provide in its next report further information and data on trafficking in particular with respect to children.**

Children belonging to minorities

817. The Committee notes the information provided in the State party's report, in particular in Chapter III under non-discrimination and child welfare, and in the written replies to the list of issues, in particular with respect to the report of the High Level Group on Traveller Issues. However, the Committee remains concerned that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and, in particular, to facilitate their access to education, housing and health services.

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

(a) **Work more concretely towards the recognition of the Traveller community as an ethnic group as called for by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2, para. 20);**

(b) **Undertake or use existing research or comprehensive needs assessment with a particular focus on children belonging to the Traveller community in the fields of health, housing and education to further serve as a basis for policies and strategies and concrete measures for the improvement of the well-being of the children;**

(c) **Implement the recommendations of the Task Force on the Traveller community;**

(d) **Provide in its next report detailed information on measures taken in order to enhance the enjoyment of the rights of children belonging to the Traveller community, in particular with regard to enjoyment of and access to education, health services and housing facilities.**

819. The Committee regrets the lack of specific information in the State party's report on efforts to promote Irish language and culture among children and young people, and efforts made to prevent the marginalization and social exclusion of Roma children.

820. **The Committee requests the State party to provide further detailed information in its next report.**

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

821. The Committee looks forward to receiving, as indicated by the State party, the initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts which was due in December 2004.

822. The Committee welcomes the signature of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2000 and recommends the ratification of this Optional Protocol in accordance with the intention of the State party.

9. 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 relevant Departments, Oireachtas (National Parliament), and to relevant local authorities, for appropriate consideration and further action.

Dissemination

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

10. Next report

825. The Committee invites the State party to submit a consolidated third and fourth report by 27 April 2009 (that is, 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. 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: Viet Nam OPAC

826. The Committee considered the initial report of Viet Nam (CRC/C/OPAC/VNM/1) at its 1187th meeting (see CRC/C/SR.1187), held on 22 September 2006, and adopted at its 1199th meeting, on 29 September 2006, the following concluding observations.

A. Introduction

827. The Committee welcomes the submission of the State party's initial report, written replies and additional written information, which give substantive information on the legislative,

administrative, judicial and other measures applicable in Viet Nam with respect to the rights guaranteed by the Optional Protocol. The Committee also appreciates the constructive dialogue with a cross-sectoral and high-level delegation.

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 (CRC/C/15/Add.200) on 31 January 2003.

B. Positive aspects

829. The Committee welcomes the fact that, under Viet Nam law, only male citizens of the age of 18 and over shall be recruited into the military service. It further welcomes the ratification by the State party 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 20 December 2001;

(b) International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 19 December 2000.

C. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

830. The Committee notes that there are provisions in the State party's Criminal Code which would permit Vietnamese courts to exercise jurisdiction over crimes committed outside the territory of Viet Nam when the conduct would violate national law in situations provided for in the international treaties which the State party has ratified or acceded to. However, it is not clear whether Vietnamese law:

(a) Criminalizes the compulsory recruitment or involvement in hostilities of a person under 18 or any other violation of the provisions contained in the Optional Protocol;

(b) Allows for the exercise of the courts' jurisdiction if these acts were committed outside Viet Nam by or against a Vietnamese citizen.

831. 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 (in the light of article 38 of the Convention on the Rights of the Child);**

(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;

(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.

832. **The Committee, welcoming the information that the State party actively participated in the process leading to the adoption of the Rome Statute establishing the International Criminal Court and that it agrees with its content, encourages the State party to become a party to the Rome Statute as soon as possible. It further recommends that the State party ratify the Additional Protocol II to the Geneva Conventions relating to the protection of victims of non-international armed conflicts.**

Dissemination and training

833. The Committee, while welcoming the information that human rights is included in ethics and citizenship courses at the tertiary level (including military schools), is concerned that sufficient information on the Optional Protocol is not provided to relevant professional groups.

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

2. Recruitment of children

835. The Committee welcomes the information that birth registration has significantly improved over the recent years, but it remains concerned that uncertainty about the age of young recruits can still occur due to lack of birth registration in the past.

836. **The Committee recommends that the State party ensure, in case of lack of a birth certificate, that the age of the recruit is determined by other reliable means, including medical examination.**

3. Involvement of children in hostilities

Direct participation in hostilities

837. The Committee is concerned that, according to the State party's declaration made upon ratification of the Optional Protocol, those who are under the age of 18 shall not be directly involved in military battles (hostilities) "unless there is an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity".

838. **The Committee, while fully respecting the right of a State to self-defence in accordance with the Charter of the United Nations, recommends that the State party set a minimum age for voluntary recruitment of children in accordance with article 3, paragraph 2, of the Optional Protocol and prevent the active participation of children in hostilities even in the presence of the exceptional situations mentioned in paragraph 837 above.**

4. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

839. The Committee welcomes the information that, since reunification in 1975, Viet Nam has carried out several demobilization programmes as part of its peacetime reconstruction, but regrets the paucity of information provided about measures and programmes adopted with regard to the physical and psychological recovery and social reintegration of persons who are victims of acts contrary to the Optional Protocol. The Committee is concerned that - despite different site-clearance projects and activities - a large part of the State party's territory is still affected by unexploded ordnances (UXO) and landmines from the past conflicts causing serious danger for the population, and in particular children.

840. **The Committee recommends that the State party provide in its next report more information on measures adopted with regard to the physical and psychological recovery and social reintegration of victims of acts contrary to the Optional Protocol. It further recommends that the State party continue its landmine and UXO clearance and risk education activities, seeking the necessary technical and financial support within a framework of international cooperation, including from United Nations agencies.**

5. International assistance and cooperation

841. **The Committee recommends that the State party submit further information on cooperation provided and/or received in the implementation of the Optional Protocol, including through technical cooperation and financial assistance.**

6. Follow-up and dissemination

842. **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 Ministry of Defence, the National Assembly and People's Councils and to provincial authorities, where applicable, for appropriate consideration and further action.**

843. **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.**

7. Next report

844. 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, due on 1 September 2007.

Concluding observations: Viet Nam OPSC

845. The Committee considered the report of Viet Nam (CRC/C/OPSC/VNM/1) at its 1189th meeting (see CRC/C/SR.1189), held on 22 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

846. The Committee welcomes the submission of the State party's initial report, written replies to its list of issues and additional written information. The Committee also appreciates the constructive dialogue held with a cross-sectoral and high-level delegation.

847. 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 (CRC/C/15/Add.200) on 31 January 2003.

B. Positive aspects

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

- (a) The National Programme of Action for Children 2001-2010;
- (b) The 2004-2010 National Plan of Action Against Trafficking in Women and Children;
- (c) The 2006-2010 intersectoral programme on the prevention of prostitution;
- (d) The national programme on prevention and settlement of street children, sexually abused children and children working under hazardous and dangerous conditions, 2004-2010.

849. Furthermore, the Committee welcomes 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 20 December 2001;
- (b) International Labour Organization 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, on 24 June 2003 and 19 December 2000 respectively.

C. Principal areas of concern and recommendations

1. General measures of implementation

Dissemination and training

850. The Committee notes that - despite the State party's activities in this regard - measures to raise awareness among the public and State officials on the areas covered by the Optional Protocol remain insufficient. The Committee is also concerned that staff working with victims of the offences covered by the Optional Protocol still lack adequate skills especially with respect to recovery and reintegration of child victims.

851. The Committee recommends that the State party continue to strengthen measures to disseminate the provisions of the Optional Protocol among its population, especially children and parents - including through school curricula and appropriate material - and continue providing appropriate training to all professional groups, in particular those working with and for child victims of sale, trafficking, child prostitution and child pornography. The Committee also recommends that the State party seek technical assistance in this regard from, inter alia, UNICEF.

Data collection

852. The Committee is concerned that, although some progress has been made in this respect, data collection on the issues covered by the Optional Protocol is neither adequate nor systematic and is not supported by sufficient resources. Furthermore, the Committee notes that, while information is available in the area of trafficking, further research is needed to assess the extent and scope of sale of children, child prostitution and child pornography.

853. The Committee recommends that the State party undertake research on the nature and extent of sale of children, child prostitution and child pornography and ensure that data on these issues, disaggregated, inter alia, by age, sex and 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

854. The Committee welcomes the amendment of the Vietnamese Criminal Code in 1997 and 1999 introducing new offences and more severe penalties for crimes related to the commercial sexual exploitation of children and other efforts to bring the legislation into line with the Optional Protocol. The Committee also welcomes the information provided by the delegation that the 2004 Law on Child Protection and Care in conjunction with the 2005 Youth Law would provide for the care and protection of all persons below 18. However, the Committee is

concerned that some provisions in the Penal Code (including articles 254 to 256 related to child prostitution) refer to children below the age of 16 only. Furthermore, the Committee is concerned that:

(a) There are no provisions explicitly defining and sufficiently criminalizing child pornography in line with articles 2 (c) and 3, paragraph 1 (c), of the Optional Protocol;

(b) Article 46 of the Penal Code provides that the author of a crime, including crimes covered by the Optional Protocol, may obtain a reduction of the sentence if he/she makes an offer of compensation which is accepted by the child victims or their families.

855. The Committee recommends that the State party:

(a) **Amend the Penal Code and - where appropriate - other laws, in order to explicitly criminalize all acts listed in article 3 of the Optional Protocol when committed against all persons below 18;**

(b) **Reconsider article 46 of the Penal Code in order to make a clear distinction between the sanction that can be imposed on the perpetrator and the reparation which can be claimed by the victim;**

(c) **Continue to seek technical assistance in this regard from, inter alia, UNICEF.**

3. Penal and criminal procedure

Jurisdiction

856. The Committee notes that article 6, paragraph 2, of the State party's Penal Code allows, in some cases, for the exercise of extraterritorial jurisdiction. However, it is not clear whether this provision covers all the specific situations mentioned in article 4, paragraphs 2 and 3, of the Optional Protocol.

857. The Committee recommends that the State party provide specific information in this regard in its next report, including on the number of cases in which the jurisdiction mentioned in article 4, paragraphs 2 and 3, of the Optional Protocol has been exercised.

Extradition

858. The Committee welcomes the information received from the delegation that article 343 of the Criminal Procedure Code has been brought into line with the provisions of article 5 of the Optional Protocol and that the reservation to this article made upon ratification has become unnecessary and will be withdrawn.

859. The Committee recommends that the State party initiate and complete in a speedy manner the withdrawal of the reservation to article 5 of the Optional Protocol and use this article, when necessary, as a legal basis for extradition in respect of all the offences covered by the Optional Protocol.

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

860. The Committee expresses concern at the information that child prostitution and sex tourism are an increasing problem in the country and that at least 10 per cent of sex workers in Viet Nam are believed to be children.

861. The Committee recommends that the State party increase its efforts to combat child prostitution, including by adequately implementing the 2006-2010 intersectoral programme on the prevention of prostitution. Furthermore, the State party should urgently tackle the rise of sex tourism-related crimes, inter alia by developing a specific strategy targeting the tourist industry, including specific messages on child rights and on the existing sanctions against child abusers.

862. While the Committee notes that the official institutions, including the Ministry of Labour, Invalids and Social Affairs (MOLISA), the Women's Union, the Youth Union and the Committee for the Population, Family and Children, have active programmes aimed at victim protection, it is concerned that many of these efforts lack adequate financial resources. Furthermore, the Committee welcomes the establishment of reception points at the border gates along the border of Viet Nam with China and Cambodia and reception centres for trafficked or sexually abused women and children. However, the Committee is concerned that:

(a) Recovery and reintegration services are limited in coverage and there is a lack of adequately trained professionals;

(b) Measures to assist families in the process of reunification with child victims are insufficient;

(c) With regard to articles 254 to 256 of the Penal Code, victims of prostitution aged between 16-18 may not always be treated as victims under the law and can be administratively sanctioned;

(d) There is a lack of specialized teams of police, prosecutors or judges to deal with criminal activities covered by the Optional Protocol.

863. The Committee recommends that the State party give priority to allocating budgetary resources so that adequate services are available for child victims and their families, including physical and psychological recovery, social reintegration and repatriation, when appropriate. To this end, the Committee underlines, inter alia, the need to strengthen training of persons working on social reintegration and physical and psychological recovery of child victims (see also paragraph 850 above).

864. **The Committee further recommends that the State party ensure that child victims of any of the offences under the Optional Protocol are as such neither criminalized nor penalized and that all possible measures be taken to avoid the stigmatization and social marginalization of these children. It also recommends that the State party continue to take measures to protect the rights and interests of child victims of the practices prohibited under the Optional Protocol at all stages of the criminal justice process. In this respect, the Committee recommends that the State party be guided, inter alia, by article 8 of the Optional Protocol as well as by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). Inter alia, the State party should:**

- (a) Allow the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected;**
- (b) Use child-sensitive procedures, including interview rooms designed for children and audio and video recording of the declarations of child victims;**
- (c) Ensure that trials take place as soon as practical, unless delays are in the child's best interests;**
- (d) Set up special teams to investigate crimes covered by the Optional Protocol and train systematically police, prosecutors, judges and other concerned professionals in the areas covered by it.**

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

Measures adopted to prevent offences referred to in the Optional Protocol

865. The Committee, aware of the direct link between poverty, underdevelopment and the risk of being exposed to all forms of exploitation, including sale of children, child prostitution and child pornography, welcomes the "Programme on hunger elimination, poverty reduction and job creation" and the attention given by the State party to children in the implementation of socio-economic policies and programmes.

866. **The Committee encourages the State party to continue giving adequate importance, including at the financial level, to poverty reduction strategies. In this respect, the Committee recommends that the State party continue to enhance and support the capacity of disadvantaged and vulnerable families, including with income generation projects, especially in rural and remote areas. The State party should also take measures to involve children in the development and implementation of social policies and programmes to prevent the offences referred to under the Optional Protocol.**

867. The Committee welcomes the setting up by the Commission on Population, Family and Children (CPFC) in cooperation with Plan Viet Nam, of a toll-free child helpline working 14 hours per day through which children receive counselling and assistance.

868. The Committee recommends that the child helpline be expanded so that it may be functional 24 hours per day. The Committee also encourages the State party to further undertake preventive measures and continue liaising with NGOs in the implementation of awareness-raising campaigns.

Prevention of sale for the purpose of adoption

869. The Committee, while noting the measures taken to prevent and control illegal intercountry adoption, including the establishment of the Department of International Adoption within the Ministry of Justice and Decree No. 69 of 2006, is concerned that problems persist in the governance and implementation of domestic and intercountry adoption. It is also concerned about a legal vacuum in the legislation in the area of adoption which would impede the prosecution and punishment of persons acting as intermediary for the adoption of a child in violation of applicable international legal instruments, in accordance with article 3, paragraph 1 (a) (ii), of the Optional Protocol.

870. The Committee recommends that the State party take all appropriate measures, including amendments in its legislation, to ensure that all persons involved in the adoption of a child, including the intermediary, act in conformity with applicable international legal instruments and that, especially in intercountry adoption, the placement does not result in improper financial gain for those involved in it. The Committee further recommends that the State party complete the process to become a party to the 1993 Hague Convention on the Protection of Children and Cooperation with respect to Intercountry Adoption.

6. International assistance and cooperation

Law enforcement

871. The Committee notes the regional and bilateral agreements signed by the State party, especially in the area of anti-trafficking, including the bilateral Agreement with Cambodia, the 2004 Greater Mekong Sub-Regional Memorandum of Understanding on Cooperation against Trafficking in Persons and the regional plan of action against trafficking in women and children. However, it is concerned that Viet Nam is a source for trafficking in persons, including children, for the purpose of sexual exploitation, especially to China and Cambodia.

872. The Committee recommends that the State party continue to combat trafficking for the purpose of sexual exploitation, including by adequately implementing the National Plan of Action against Trafficking in Women and Children. The Committee further encourages the State party to continue strengthening its international judicial and police cooperation activities for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. It also recommends that the State party ratify 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.

7. Follow-up and dissemination

Follow-up

873. **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 National Assembly and People's Councils, for appropriate consideration and further action.**

Dissemination

874. **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 monitoring.**

8. Next report

875. **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, due on 1 September 2007.**

Concluding observations: Jordan

876. The Committee considered the third periodic report of Jordan (CRC/C/JOR/3) at its 1188th and 1190th meetings (see CRC/C/SR.1188 and 1190) held on 22 September 2006, and adopted at the 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

877. The Committee welcomes the submission of the State party's third periodic report as well as the written replies to its list of issues (CRC/C/JOR/Q/3 and Add.1), which allowed for a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive efforts made by the inter-ministerial delegation to provide additional information in the course of the dialogue.

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

878. At the level of strategic planning, the Committee welcomes the adoption of several national strategies and plans directly related to the rights of the child, such as:

(a) The Jordanian National Plan of Action for Children for the years 2004-2013 launched in October 2004;

(b) The Early Childhood Development Strategy in Jordan launched in December 2000 and the subsequent Plan of Action for the years 2003-2007;

(d) The National Youth Strategy for Jordan for the years 2005-2009 adopted in December 2004.

879. The Committee also welcomes strategies and plans aimed at giving priority to children in development programmes and fighting against poverty, including the Strategic Plan of the Ministry of Social Development and the National Assistance Fund for the period 2004-2006 and the National Anti-Poverty Strategy: Fighting Poverty for a Stronger Jordan of 2002.

880. The Committee notes with appreciation the establishment, in 2001, of the National Council on Family Affairs, which strengthens the position of Jordanian families and expands their role in society, and the establishment, in 2003, of the Human Rights and Public Freedoms Division within the Ministry of the Interior to promote and protect human rights and fundamental freedoms, including the rights of the child.

881. The Committee also notes with appreciation the measures taken to address the issue of economic exploitation of children, including the ratification, in 2000, of Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization (ILO) and the publishing of the Convention in the Official Gazette; the establishment, in 2001, of the Child Labour Unit within the Ministry of Labour; the creation of the data base on child labour; and the adoption, in 2003, of the National Strategy for the Elimination of the Worst Forms of Child Labour.

882. In addition, the Committee welcomes the introduction and/or adoption of many law amendments aimed at protecting and promoting the rights of the child referred to in the concluding observations below.

C. Principal subjects of concern and recommendations

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

Committee's previous recommendations

883. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.125) made upon the consideration of the State party's second periodic report (CRC/C/70/Add.4) through legislative measures and policies. However, some of the concerns it expressed and recommendations it had made regarding, inter alia, legislation, the age of criminal responsibility, non-discrimination, the right to life, ill-treatment in the family, children with disabilities and sexual exploitation, have not been sufficiently addressed.

884. 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.

Reservations

885. The Committee is of the view that the State party's reservation to articles 20 and 21 is unnecessary since there appears to be no contradiction between the logic behind it and the provisions of articles 20 and 21 of the Convention. In fact, the concerns expressed by the State party in its reservation are well taken care of by article 20, paragraph 3 of the Convention, which expressly recognizes *kafalah* of Islamic law as alternative care, and article 21 expressly refers to States parties that "recognize and/or permit the system of adoption". The Committee also regrets that no review has been undertaken of the broad and imprecise nature of the State party's reservation to article 14.

886. The Committee reiterates, in the light of article 51, paragraph 2, of the Convention, its previous recommendations that the State party review the nature of its reservations with a view to withdrawing them in accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights of 1993. As regards the recommended review of the reservation to article 14, the Committee encourages the State party to study the full content of article 14 paying particular attention to its second paragraph.

Legislation

887. The Committee notes that a draft of 2004 for a comprehensive Child Rights Act has been submitted to the National Assembly. Despite many legislative amendments, the Committee is concerned about the legal status of the Convention in the State party. It regrets that the Convention has not been published in the Official Gazette. The Committee also notes with concern that the domestic legal framework is not yet harmonized with the principles and provisions of the Convention.

888. The Committee urges the State party to take all appropriate measures, as required by article 4 of the Convention, to ensure that the provisions of the Convention are given legal effect within its domestic legal system and that the Convention is published in the Official Gazette. The Committee recommends that the State party rigorously review all domestic laws concerning children and the relevant administrative regulations with a view to ensuring that they are rights-based and in conformity with the Convention, its Optional Protocols and other international human rights instruments and standards. The Committee also recommends that the State party expedite the enactment of the Child Rights Act and allocate all necessary human and financial resources for the most effective implementation of this Act and other laws and administrative regulations concerning children.

National Plan of Action

889. The Committee welcomes the comprehensive National Plan of Action for Children 2004-2013 which was adopted following the highly participatory preparation process. It also notes with satisfaction the establishment of a technical committee of the National Council on Family Affairs mandated to monitor and evaluate the implementation of the National Plan of Action.

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

(a) **Ensure that all activities related to the National Plan of Action are clearly oriented towards the implementation of the rights of the child as enshrined in the Convention and that the National Plan of Action takes into account the outcome document “A World Fit for Children” adopted by the United Nations General Assembly at its special session on children held in May 2002 (resolution S-27/2, annex);**

(b) **Provide sufficient human and financial resources for the full and effective implementation of the National Plan of Action at all levels;**

(c) **Continue to ensure the wide participation of civil society, including children and youth, in all aspects of the implementation process.**

891. **The Committee requests that the State party provide information in its next periodic report on the implementation, outcomes and evaluation of the National Plan of Action.**

Coordination

892. While noting with satisfaction the establishment of the National Council on Family Affairs in 2001, which is the main body mandated to monitor and evaluate the implementation of the Convention at the national level, and its Child Welfare Unit, the Committee is concerned that coordination of implementation at governorate and local levels is still insufficient.

893. **The Committee recommends that the State party further strengthen coordination between the bodies and institutions working on the rights of the child at all levels in order to ensure uniform implementation of the Convention in all governorates. The Committee also recommends that the National Council on Family Affairs regularly report on the monitoring and evaluation of the implementation of the Convention and that these reports be widely disseminated at all levels of society. The Committee invites the State party to submit information on the monitoring and evaluation activities of the National Council on Family Affairs in its next periodic report to the Committee.**

Independent monitoring

894. The Committee welcomes the establishment of the National Centre for Human Rights (NCHR) by temporary law in 2002 and, in particular, its mandate which includes promoting and monitoring the implementation of the rights of the child and receiving individual complaints from children. It also notes with appreciation that human resources dedicated to focus on the rights of the child have been provided to NCHR. While welcoming the adoption of the permanent law on NCHR on 14 September 2006, the Committee regrets that the mandate of the Centre is still limited in matters concerning the police and the military. In addition, the Committee notes with interest that the State party is considering the establishment of an ombudsperson.

895. **The Committee calls upon the State party to ensure that the National Centre for Human Rights (NCHR) is an independent monitoring mechanism in accordance with the Principles relating to the Status of National Institutions (the “Paris Principles”) (General Assembly resolution 48/134, annex). The Committee recommends that the State party further ensure that NCHR is provided with adequate human, financial and technical resources and that it has facilities to monitor and evaluate progress in the implementation of the Convention at the national and local levels as well as to receive, investigate and address complaints from children. The Committee also recommends that the State party expand the monitoring mandate of NCHR to include all agencies of the Government, including the police and the military. The Committee emphasizes the need to ensure that this mechanism is easily accessible to children. It suggests that the State party expedite the ongoing discussion with regard to the potential establishment of an ombudsperson. The Committee draws the attention of the State party to its general comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

Allocation of resources

896. The Committee commends the State party’s strong commitment to universal education and, in particular, the proportion of the budget devoted to education. The Committee takes note of the State party’s efforts to increase national expenditure on support programmes for families and child protection, but it is concerned that the allocated resources, for example regarding health care, remain inadequate, in particular for children with disabilities and other children belonging to vulnerable groups living outside the capital.

897. **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”, giving special attention to children with disabilities and other children belonging to vulnerable groups.**

Data collection

898. The Committee welcomes the various efforts made by the State party to improve data collection but it notes that in some areas covered by the Convention, for example violence against children, children with disabilities, sexual exploitation of children, trafficking in children, migrant, refugee and asylum-seeking children and children in conflict with the law, data are lacking or insufficient.

899. **The Committee recommends that the State party strengthen its mechanisms for data collection by establishing a central database on children. The Committee also recommends that the State party ensure that data are collected on all areas of the Convention and disaggregated, inter alia, by age for all persons under 18 years, sex, urban and rural areas and by those groups of children who are in need of special protection. The Committee further recommends that the State party develop indicators consistent with the Convention and use these indicators as well as collected data to formulate policies and programmes for the effective implementation of the Convention.**

Dissemination/training of the Convention

900. While welcoming the efforts that have been made to disseminate information about the principles and provisions of the Convention, for example through the Children's Parliament, the joint project on human rights education of the Ministry of Education and NCHR and the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) based SCREAM Programme (Supporting Children's Rights through Education, the Arts and the Media), the Committee is concerned that these measures have not been effective to the extent desirable to raise awareness on the rights of the child. The Convention is not disseminated at all levels of society and there are regional disparities, in particular regarding the most remote areas. The Committee also notes with concern that the training on the Convention of professionals working with and for children has not been conducted on an ongoing, comprehensive and systematic basis.

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

(a) Continue to develop creative and child-friendly methods to promote awareness of the content and meaning of the Convention, in particular at the local level, and through the media in order to reach children living in the most remote parts of the country;

(b) Continue to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers, school and institution administrators and social workers, religious and community leaders as well as journalists;

(c) Introduce and strengthen joint projects on human rights education and include human rights education, and particularly education on the rights of the child, in the curricula at primary and secondary levels of education;

(d) Continue to seek technical assistance from, among others, UNICEF.

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

902. The Committee welcomes article 2 of the draft Child Rights Act, which defines a child "as any person, male or female, under 18 years of age". As regards the minimum age of marriage and the Committee's previous recommendation in this regard (CRC/C/15/Add.125, paras. 27-28), the Committee notes with appreciation the amendment of the interim Personal Status Act (Law No. 82 of 2001) which sets the minimum age for marriage at 18 years for both sexes. However, the Committee is concerned that, notwithstanding the law amendment and the media campaigns aimed at raising awareness of the health risks and adverse social effects of early marriage, in some communities girls as young as 14 and 15 may be married with the consent of a guardian and a judge.

903. **The Committee recommends that the State party strengthen its efforts to effectively implement the amended provision of the interim Personal Status Act (Law No. 82 of 2001) which sets the minimum age for marriage at 18 years for both sexes. The Committee also recommends that the State party address the poverty related parental pressure placed on girls to marry at an early age and continue to undertake awareness-raising campaigns concerning the many negative consequences resulting from early marriages in order to fully prevent this practice.**

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

Non-discrimination

904. While noting that article 6 of the Jordanian Constitution contains the principle of equality of all Jordanians before the law and that some legal provisions emphasize the principle of non-discrimination, the Committee is deeply concerned at de jure discrimination against children of Jordanian mothers on account of their father's non-Jordanian nationality and children born out of wedlock, as well as de facto discrimination against children living in extreme poverty and children living in the remote areas of the country. The Committee is of the view that, in general, a classification of children as "illegitimate" is discriminatory and violates the principles and rights of the child enshrined in the Convention.

905. **The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively implementing the existing laws that guarantee the principle of non-discrimination. The Committee also recommends that the State party abolish the discriminatory classification of children as "illegitimate" and adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, and prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.**

906. Despite the efforts of the State party to address the issue of equality between sexes, the Committee notes with concern that the persistence of stereotypical attitudes concerning the roles and responsibilities of women and men still constitute an impediment to the full enjoyment of all human rights and fundamental freedoms by girls. The Committee is also concerned that due to the traditional roles of women and men in Jordanian society, the education of girls is not seen as such a valuable investment as the education of boys.

907. **The Committee recommends that the State party continue to address the problems faced by the girl child and to campaign and raise awareness among the population regarding the equality of girls and boys. The Committee suggests that local, religious and other leaders be invited to take a more active role in supporting the efforts to prevent and**

eliminate discrimination against the girl child and to provide guidance to communities in this regard. The Committee also recommends that the State party promote the inclusive role of women in society, inter alia, by developing school curricula, such as recommended by the Committee on the Elimination of Discrimination against Women in its observations on the first and second periodic reports of Jordan at its twenty-second session in 2000 (A/55/38, paras. 139-193).

908. The Committee remains concerned about the de facto discrimination faced by children with disabilities. It also notes with concern the inadequate implementation of the Law on the Care of the Disabled (Law No. 12 of 1993) and its amendments, particularly at the local level.

909. The Committee recommends that, taking into account the 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 held on 6 October 1997 (CRC/C/69, paras. 310-339), the State party 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 on the Care of the Disabled (Law No. 12 of 1993).

910. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention adopted by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking into account the Committee's general comment No. 1 of 2001 on the aims of education.

Best interests of the child

911. The Committee is encouraged by the provisions of the draft Child Rights Act which incorporate the principle of the best interests of the child and it takes note of the legislative amendments which enshrine this principle. However, the Committee is concerned that this general principle is not fully applied and duly integrated in the implementation of the legislation, policies and programmes of the State party as well as in administrative and judicial decisions. For example, the implementation of the Jordanian Nationality Act may result in statelessness of the child.

912. As regards article 3, paragraph 1 of the Convention, the Committee emphasizes that the Convention is indivisible and its articles are interdependent and that the best interests of the child is a general principle of relevance to the implementation of the whole Convention. The State party should ensure that the best interests of the child is a primary concern, taken into account in all revisions of the legislation as well as in judicial and administrative decisions, and in projects, programmes and services which have an impact on children.

Right to life, survival and development

913. The Committee is alarmed by the reported cases of crimes committed against girls in the name of “honour”. It expresses its serious concern at articles 340, 98 and 99 of the Penal Code, which provide for a reduction in penalty for the “honour” crime cases. The Committee is concerned about the possibility of further reducing the sentence if the victim’s family “waives” its right to file a complaint of the crime (article 99 of the Penal Code). While noting the State party’s efforts to provide protection for women and girls who are victims of or at the risk of “honour” crimes, the Committee is also concerned at the insufficient number of accessible shelters and counselling services.

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

- (a) Review the provisions of the Penal Code with a view to eliminating all provisions for reductions in sentence for crimes committed for “honour”;**
- (b) Undertake public awareness-raising campaigns, involving also religious and community leaders, to combat effectively discriminatory societal attitudes and harmful traditions with respect to girls by demonstrating that such practices are unacceptable;**
- (c) Provide special training and resources to law enforcement personnel with a view to protecting girls who are in danger of “honour killing” and to prosecuting such cases in a more effective way;**
- (d) Increase the number of accessible shelters and counselling services for women and girls who are victims of or at the risk of “honour” crimes.**

Respect for the views of the child

915. The Committee notes with appreciation many efforts made by the State party to promote the participatory role of the child, such as the Children’s Parliament and “Young Voices, Big Thoughts” implemented by the National Centre for Human Rights. It also notes with appreciation that article 3 *d* of the draft Child Rights Act provides for children’s freedom to express their views and for their right to participate in all matters affecting them. However, the Committee continues to be concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children within the family and the community at large. It also notes with concern that the legal and administrative proceedings do not systematically include an active participation of children.

916. **In the light of article 12 of the Convention, the Committee recommends that the State party continue to promote and facilitate, within the family, schools and other institutions, in courts and communities, respect for the views of children and their participation in all matters affecting them. In order to promote more active participation of adolescents in society, the Committee recommends that the State party implement the operational objectives of the National Youth Strategy for Jordan 2005-2009 and that it seek assistance in this matter from UNICEF, among others. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee’s day of general discussion on the right of the child to be heard, held on 15 September 2006.**

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

917. The Committee regrets the insufficient information in the State party's report on the implementation of civil rights and freedoms.

918. The Committee invites the State party to provide information in its next periodic report on the implementation of civil rights and freedoms of children in accordance with articles 13-17 of the Convention.

Right to a nationality

919. The Committee welcomes the amendment of the Jordanian Passport Act in 2003 according to which women and their children may obtain passports without the written permission of their husbands. However, the Committee notes that children of Jordanian fathers acquire Jordanian nationality at birth, regardless of the child's birthplace, but that Jordanian women cannot transmit their nationality to their children born from a marriage with a non-Jordanian man, except under special humanitarian circumstances. The Committee is concerned that in some cases this may result in statelessness.

920. The Committee recommends that the State party review and amend the Jordanian Nationality Act (Law No. 7 of 1954) in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to confer her nationality on her children equally and without discrimination.

Corporal punishment

921. The Committee notes that corporal punishment is prohibited in schools and institutions and that it is unlawful as a disciplinary measure in penal institutions. However, the Committee expresses its concern that physical punishment in the home is culturally accepted and that article 62 of the Penal Code permits parents to discipline their children within the limits established by "general custom". The Committee regrets that an all-inclusive ban of corporal punishment is not included in the draft Child Rights Act.

922. The Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and inconsistent with the requirement of respect for the child's dignity, as specifically required by article 28, paragraph 2, of the Convention. Therefore, the Committee recommends that the State party prohibit by law all forms of corporal punishment in the home as well as in all other settings, including private and public institutions, and effectively enforce this ban. The Committee also recommends that the State party review the draft Child Rights Act with a view to introducing an all-inclusive ban on corporal punishment.

923. The Committee recommends that the State party conduct a comprehensive study to assess the nature and extent of corporal punishment in different settings, including the home environment. The Committee also recommends that the State party sensitize and educate parents, guardians and professionals working with and for children by carrying out public education campaigns about the harmful impact of violent forms of "discipline"

and promote positive, non-violent, participatory methods of child-rearing. Finally, the Committee draws the attention of the State party to its newly adopted general comment No. 8 of 2006 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and to the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools held on 28 September 2001 (see CRC/C/111).

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

Parental responsibilities

924. While noting the provisions regarding parents' responsibilities, particularly the provisions of the Penal Code and the Labour Code, the Committee is concerned that parental responsibilities are not assigned equally, under law, to fathers and mothers and that unmarried mothers and their children are not entitled to the same benefits as married mothers and children born in wedlock. While noting with concern that the awareness of some parents regarding certain aspects of a child's development is weak, the Committee welcomes the fact that one of the goals of the Early Childhood Development Strategy in Jordan is to improve parental skills. As regards parental responsibilities of both spouses, the Committee commends the State party for promoting family counselling in the case of matrimonial breakdown.

925. The Committee recommends that the State party consider revising domestic laws to ensure that men and women have equal parental responsibilities, regardless of their marital status. It encourages the State party to continue to promote early childhood development and to increase its efforts in developing family education and awareness by, for example, providing support to parents, including training in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. The Committee also encourages the State party to continue to use and to expand mediation in family law as an alternative form of dispute resolution.

Alternative and institutional care

926. The Committee takes note of the foster care programme which provides children in need of care with substitute families, due to their social status as "illegitimate" children or due to other reasons. As regards children separated from their parents and placed in out-of-home care, the Committee is concerned at the insufficient number of educational and social programmes for these children. In addition, it is concerned that the needs of children residing in out-of-home care are not regularly assessed and that these children are not necessarily provided with adequate development planning.

927. The Committee recommends that, taking into account the recommendations adopted on its day of general discussion on children without parental care held on 16 September 2005 (see CRC/C/153), the State party provide all children residing in out-of-home care, including foster families, public and private residential institutions and care providers, with adequate social and educational services tailored to respond to the needs of these children. The Committee further recommends that the children who are to be placed in such care be provided with adequate social background investigation and

written detailed documentation which follows the child through the out-of-home care period. This multidisciplinary documentation should also include an individual development plan.

Violence, abuse and neglect, maltreatment

928. The Committee welcomes the State party's strong commitment to prevent and respond to violence against children and several measures taken to address this issue, including the new strategy of the Ministry of Health for the countermeasures on violence against children and the establishment, in May 2006, of child protection committees at major public hospitals to investigate suspected cases of child abuse. The Committee notes with satisfaction the State party's close collaboration with non-governmental organizations (NGOs) in this field and takes note of the successful, multisectoral child protection programmes, including the establishment of a safety house, the Dar al-Aman, to provide protection and services for abused and neglected children.

929. Despite many positive steps taken by the State party, the Committee is deeply concerned that children continue to be victims of direct and/or indirect violence in the home. The Committee notes with concern the absence of reliable information and data on domestic violence and child abuse in the family. Notwithstanding the legal framework protecting children from violence and abuse, the Committee takes note of the information that no studies or research have been undertaken to assess the impact of legal measures to address violence against children. It also notes with concern that due to a rather limited number of services provided by social workers, the police usually act as a central contact point in cases of violence against children, child abuse and maltreatment, and in some cases this may hinder children from contacting the authorities. However, the Committee takes note of the 24 hour-a-day service provided by a family defender at the police stations around the country.

930. **In the light of article 19 and other relevant provisions of the Convention, and taking into account the recommendations of the Committee adopted on its days of general discussion on State violence against children and violence against children within the family and in schools held respectively on 22 September 2000 and 28 September 2001 (CRC/C/100, para. 866 and CRC/C/111, paras. 701-745), the Committee urges the State party to:**

(a) **Undertake a national study on domestic violence, ill-treatment of children and child abuse in the home assessing the scope and nature of this problem as well as the impact of legal measures to address violence against children with a view to prohibiting all forms of physical, sexual and mental violence against children, including sexual abuse in the family;**

(b) **As a part of the National Plan of Action for Children, develop a comprehensive national strategy to prevent and respond to domestic violence, ill-treatment of children and child abuse, and further adopt adequate measures and policies to contribute to changing attitudes;**

(c) Develop and implement an effective system for the identification, reporting and managing of child abuse and ill-treatment cases and strengthen the Family Protection Department to ensure that effective procedures and mechanisms are in place to receive, monitor and investigate complaints, including intervention where necessary, and to investigate and prosecute cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive judicial procedure and apply sanctions to perpetrators, with due regard given to protecting the right to privacy of the child;

(d) Facilitate access to appropriate and child-sensitive contact points and ensure that all child victims of violence and abuse have access to adequate care, shelter and/or safe house, counselling and assistance with recovery and reintegration;

(e) Provide support, including financial, technical and human resources, to expand, maintain and raise awareness of the national child helpline and to ensure that it receives a toll-free 3 or 4-digit number so that neither the helpline nor the child needs to pay for accessing helpline services;

(f) Support the Jordan River Foundation in raising awareness with the active involvement of children themselves, in order to prevent all forms of violence against children and to stop child abuse, including sexual abuse, with a view to changing public attitudes and prevailing cultural practices in this respect;

(g) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

931. In the context of the Secretary-General's in-depth 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 as well as 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 or mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

932. In addition, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement the overarching recommendations and setting-specific recommendations contained in this report.

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

Children with disabilities

933. The Committee acknowledges that the Jordanian National Plan of Action for Children 2004-2013 covers children with disabilities and welcomes the community-based rehabilitation projects, although their number is still limited. However, the Committee notes with concern that due to the fact that children with disabilities and their families are not aware of all available services, only a small percentage of children with disabilities actually benefit from these services. The Committee also notes that the focus of these services is more on prevention, cure and recovery than on psychological support and counselling and that the services provided to children with learning difficulties or behavioural disorders are insufficient. Despite the establishment of mobile units to provide services for children with disabilities living in the most remote and disadvantaged regions, the Committee is concerned that many children with disabilities live in poverty and have limited access to social and health services and education.

934. **The Committee further recommends that the State party:**

- (a) Ensure that in the implementation of the Jordanian National Plan of Action for Children 2004-2013 attention is paid and adequate resources are allocated to the special needs of children with disabilities and that the various aspects of disability are taken into account in all relevant policymaking and national planning;**
- (b) Provide children with disabilities with access to adequate social and health services, including psychological and counselling services, and tailored services for children with learning difficulties and behavioural disorders, and raise awareness about all services available;**
- (c) Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained;**
- (d) Continue its collaboration with, among others, UNICEF and WHO.**

Health and health services

935. The Committee commends the State party for its well-developed healthcare system and its continuous efforts to provide all children with access to healthcare services. The Committee is encouraged by the notable progress achieved by the State party in the reduction of infant and under five mortality, despite the fact that there are regional disparities in this respect, and in the elimination and prevention of infectious diseases. As regards maternal health, the Committee shares the State party's concern at the relatively low number of mothers receiving post-natal care. While noting the initiative to extend the length of maternity leave in the public sector from 10 to 14 weeks, the Committee regrets the low percentage (26.7 per cent) of exclusive

breastfeeding. The Committee notes with concern the high percentage of acute respiratory infections and that those infections are a leading cause of death among infants and the second leading cause of death among young children. The Committee is also concerned about micronutrient deficiencies, such as iron, Vitamin A and iodine, among children.

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

(a) Ensure that appropriate resources are allocated to the health sector, and continue to develop and implement comprehensive policies and programmes to improve children's health;

(b) Strengthen its efforts to provide access to quality pre and post-natal health services and facilities, paying particular attention to the rural areas of the country;

(c) Take targeted measures to reduce the incidence of acute respiratory infections among infants and young children;

(d) Encourage exclusive breastfeeding for six months after birth, inter alia, by extending the length of maternity leave and implementing the practice of a breastfeeding hour for working mothers, and take measures to improve the nutritional status of children through education and the promotion of healthy feeding practices;

(e) Continue its cooperation with UNICEF and WHO.

937. While noting the State party's efforts to address the issue of road traffic safety, including by launching the National Traffic Awareness Campaign in April 2005 and developing a national strategy on road safety, the Committee continues to be alarmed by the high number of road traffic accidents resulting in the death of children or in serious injuries.

938. The Committee recommends that the State party strengthen its efforts to prevent road traffic accidents by adopting and implementing a multidisciplinary national strategy and plan of action on road safety. It also recommends that the State party continue its public campaigns to increase traffic safety awareness among children, parents, teachers and the public in general.

Adolescent health

939. The Committee notes with satisfaction that the majority of Jordanian adolescents consider themselves to be in good health. However, it notes with concern that adolescents have a limited knowledge of reproductive health issues and that their dental care has not improved. The Committee takes note of the Interim Juvenile Conduct Monitoring Act (Law No. 51 of 2001) which prohibits the use of alcohol and tobacco by adolescents and the role of the Anti-Narcotics Directorate to prevent substance abuse and to raise awareness of its dangers. Despite the fact that the number of children addicted to narcotics and drugs in Jordan is quite low, the Committee is concerned about the quality and number of services available for them. In addition, the Committee notes the scarcity of mental health services and the lack of integration of these services with, inter alia, education.

940. **The Committee recommends that the State party strengthen its efforts to promote adolescent health, including sex and reproductive health education in schools and in other appropriate places frequented by children. It recommends that the State party take all necessary measures to strengthen dental health care services for adolescents. The Committee also recommends that the State party conduct a study to find out the exact figures of substance abuse in Jordan and based on the results of this assessment provide children addicted to narcotics and drugs with adequate services. It further recommends that the State party expand and integrate its mental health services for adolescents. Finally, the Committee draws the attention of the State party to its general comment No. 4 of 2003 on adolescent health and development in the context of the Convention on the Rights of the Child.**

HIV/AIDS

941. The Committee notes with appreciation the implementation of the National AIDS Programme (NAP) and the low HIV/AIDS prevalence rate in the State party. However, due to the lack of systematic HIV surveillance in the country, the Committee is concerned that the available figures do not reflect the actual situation of HIV/AIDS incidence. In addition, the Committee is concerned that raising awareness on HIV/AIDS in terms of transmission channels, treatment and preventive measures remains a “taboo” subject in the State party.

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

(a) **Strengthen its efforts to implement the National AIDS Programme in order to prevent the incidence and spread of HIV/AIDS, for example, by providing adolescents with accurate and comprehensive information about HIV/AIDS, its transmission channels, treatment and preventive measures, in schools;**

(b) **Prevent discrimination against children infected with and affected by HIV/AIDS and ensure these children have access to adequate social and health services;**

(c) **Ensure that children have access to child-sensitive and confidential HIV/AIDS counselling with full respect for the child’s privacy when requested;**

(d) **Seek technical assistance from, among others, UNAIDS.**

943. Furthermore, the Committee draws the attention of the State party to the Committee’s general comment No. 3 of 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).

Environmental health

944. The Committee reiterates its concern about environmental health problems of children arising from the pollution and contamination of the environment, including inadequate practices in handling hazardous waste, such as household solid waste, industrial and health care waste. Scarcity of water supplies and supply frequency also give cause to concern.

945. **The Committee recommends that the State party continue to take appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental pollution and contamination. It also recommends that the State party expedite the implementation of the Environment Protection Law. The Committee further recommends that the State party strengthen its efforts to provide sufficient drinking water to all the population, with special attention to remote areas. Finally, the Committee recommends that the State party increase children's knowledge of environmental health issues by introducing environmental health education programmes in schools.**

Standard of living

946. The Committee notes with appreciation the measures taken by the State party to reduce the impact of poverty on the population and to achieve sustainable economic growth, for example by implementing the Poverty Alleviation Strategy (PAS) and several programmes aimed at reducing poverty and unemployment, such as the Social Safety Net Package, the National Aid Fund and the Development and Employment Fund. Notwithstanding the declining national poverty levels over the past few years, the Committee remains concerned at the very low standard of living of many children, especially in the governorates of Mafrqa and Zarqa, north-east of Amman, some districts within the capital and certain municipalities along the Jordan Valley.

947. **In accordance with article 27 of the Convention, the Committee recommends that the State party continue to implement, as a matter of high priority, the aforementioned Poverty Alleviation Strategy and other programmes for poverty reduction, paying particular attention to economically disadvantaged families, including single parent families, in need of support and material assistance, and to guarantee the rights of the child to an adequate standard of living.**

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

Education, including vocational training and guidance

948. The Committee commends the State party for providing compulsory and free of charge basic education and notes with appreciation that the State party has spent 20.6 per cent of public expenditure on education. The Committee also notes with appreciation the State party's efforts to provide vocational training for children over the age of 16. Despite the State party's efforts to prevent children from dropping out of basic education, the Committee remains concerned about children at risk of leaving school before completing their primary education. It also expresses concern about the drop-out rates at the secondary level. In addition, school shifts, the lack of schooling facilities and equipment, overcrowded classrooms, under-qualified teachers and inadequate teaching methods are also issues of concern to the Committee.

949. **In the light of articles 28 and 29 of the Convention, and taking into account the Committee's general comment No. 1 of 2001 on the aims of education, the Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:**

- (a) Ensure that all children have equal access to quality education at all levels of the educational system;**
- (b) Continue to take measures to prevent children from dropping out of primary education and to increase enrolment and retention rates in secondary education;**
- (c) Improve school facilities, including by building new schools, in order to provide appropriate facilities for pupils and, inter alia, abolish the practice of school shifts;**
- (d) Provide teachers with appropriate training to improve the quality of teachers as well as the quality of teaching methods;**
- (e) Seek cooperation, among others, with UNESCO and UNICEF, to further improve the education sector.**

950. As regards pre-school education, the Committee notes with satisfaction that the percentage of children enrolled in kindergartens has risen and that the State party has taken several measures, including the preparation of a national interactive curriculum for kindergartens, to respond to the growing needs of pre-school education.

951. The Committee recommends that the State party provide access to early childhood education for every child, including children living in low-income families and families living in rural areas, and raise awareness and motivation of parents with respect to pre-schools and early-learning opportunities by taking into account the Committee's general comment No. 7 of 2005 on implementing child rights in early childhood.

8. Special protection measures

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

Landmines

952. While taking into consideration the efforts made by the State party, the Committee expresses its concern about children who are affected by antipersonnel and anti-vehicle mines, and unexploded ordnance, and the threat they pose to the life, physical integrity and development of children, particularly in the Northern Highlands, Jordan Valley and Wadi Araba.

953. The Committee recommends that the State party continue to take all necessary measures to protect children against the danger of landmines, including by carrying out programmes for mine awareness, continuing and strengthening its mine clearance programmes and extending psychological and social assistance for children who have been affected by the explosion of mines.

Refugee children

954. The Committee takes note of the high number of Palestinian refugees and the increasing number of Iraqi refugees, asylum-seekers and migrants in Jordan and notes with appreciation the efforts of the State party to respond to the increasing needs of refugee children and children seeking asylum. While welcoming the collaboration between the State party and Office of the United Nations High Commissioner for Refugees (UNHCR), including two memorandums of

understanding (MOUs), and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Committee expresses concern at the absence of a legal framework for the protection of refugee and asylum-seeking children in Jordan. In particular, the Committee regrets that the State party has not acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol, nor to the 1954 Convention relating to the Status of Stateless Persons or to the 1961 Convention on the Reduction of Statelessness.

955. In the light of articles 3 and 22 and other relevant provisions of the Convention, the Committee recommends that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as well as to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness and develop a legislative framework for the protection of asylum-seeking and refugee children, particularly unaccompanied children.

956. Despite the fact that the State party supports universal education for all children, the Committee notes with particular concern that asylum-seeking and refugee children have restricted access to primary education. Reports that Jordanian public schools do not accept Iraqi refugee students and that private schools only accept Iraqis possessing residency permits are issues of serious concern to the Committee.

957. The Committee recommends, referring to articles 2, 22 and 28 of the Convention, that the State party take urgent measures to ensure that asylum-seeking and refugee children have access to free primary education.

958. While noting that the State party continues to provide services to all refugee camps through a variety of development plans and projects, the Committee is concerned about the unsatisfactory living conditions in these camps.

959. The Committee recommends that the State party strengthen its efforts to improve the living conditions of refugee children living in the camps by paying special attention to the improvement of housing conditions. The Committee encourages the State party to seek, where appropriate, international assistance in this regard.

960. The Committee draws the attention of the State party to its general comment No. 6 of 2005 on the treatment of unaccompanied and separated children outside their country of origin. It recommends that the State party pay special attention to refugee and asylum-seeking children who may have been involved in or affected by armed conflict, by identifying these children at the earliest possible stage and providing them with multidisciplinary assistance for their physical and psychological recovery and their social reintegration. The Committee also recommends that the State party continue and strengthen its collaboration with UNHCR and UNRWA.

Children of migrant workers

961. While noting the high number of migrant workers in the State party, and particularly the estimated number of undocumented workers and the weak protection against exploitation and abuse provided to them, the Committee is concerned at the situation and vulnerability of their children residing in Jordan.

962. 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.

Economic exploitation, including child labour

963. The Committee commends the State party for its cooperation with ILO/IPEC, including for signing the Memorandum of Understanding with ILO for the implementation of IPEC Country Programme. It welcomes the various measures taken to address the issue of child labour in Jordan, including the 2002 amendment of the Labour Code provision on the minimum age for employment of children working in hazardous occupations which raised the minimum age to 18 years. Despite these positive measures, the Committee remains concerned about the prevalence of child labour in the State party. It notes with particular concern information that the employment of children has steadily grown in recent years, especially in agriculture. The Committee is further concerned that the protection provided by the Labour Code does not apply for children working in the informal sector (for example, in small family enterprises, agriculture and domestic labour).

964. In accordance with article 32 of the Convention, the Committee recommends that the State party:

(a) Continue to take effective measures to prohibit economic exploitation of children, in particular in the informal sector where the phenomenon is more prevalent, for example, by reviewing and amending the provisions of the Labour Code in order to protect children from economic exploitation through labour in the informal sector, including family enterprises, agricultural activities and domestic labour;

(b) Vigorously pursue enforcement of minimum-age standards, including requiring employers to have, and to produce on demand, proof of age of all children working on their premises;

(c) Provide labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively at the State and local level the implementation of labour law standards and to receive and address complaints of violations;

(d) Continue to seek technical assistance from ILO/IPEC.

Street children

965. The Committee is encouraged by the State party's efforts to address the issue of children working and/or living on the streets, including the amendment of the Juveniles Act (Law No. 52 of 2002) which introduced a new definition of child beggars as children in need of protection and care. The Committee notes with concern that due to insufficient information and statistics about street children the number of children working in the streets can only be estimated. The lack of a systematic and comprehensive strategy to address the situation and protect these children is also of concern to the Committee.

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

(a) **Undertake a comprehensive national survey of the number, composition and characteristics of children living and working in the streets in order to design and implement comprehensive strategies and policies to address the root causes pushing children to the streets, with the aim of reducing and preventing this occurrence and to identify children at risk;**

(b) **Ensure that street children are assisted by trained street counsellors, provided with adequate nutrition, clothing and shelter as well as with social and health services, including recovery and social reintegration services, and educational opportunities, including vocational and life-skills training, in order to support their full development;**

(c) **Collaborate with NGOs working with street children in the State party and with children themselves and seek technical assistance from relevant specialized agencies or bodies of the United Nations system and other regional or non-governmental organizations.**

Sexual exploitation and trafficking

967. The Committee regrets the lack of data on the extent and magnitude of commercial sexual exploitation of children and trafficking in children for exploitative purposes in the State party. It also regrets the insufficient legal protection of boys below the age of 18 against commercial sexual exploitation and the absence of a specific legal framework to protect children from trafficking.

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

(a) **Conduct a comprehensive study to assess the nature and magnitude of the commercial sexual exploitation of children and trafficking in children and, based on the findings and recommendations of the study, develop and adopt a comprehensive national plan of action to prevent and combat sexual exploitation of and trafficking in children;**

(b) **Review and amend the provisions of the Penal Code to provide equal protection to boys and girls below the age of 18 against commercial sexual exploitation;**

(c) **Strengthen its efforts and legislation to identify and investigate trafficking cases, to improve understanding of the issues of trafficking and ensure that perpetrators are prosecuted.**

Administration of juvenile justice

969. The Committee welcomes the Juvenile Justice Reform Programme in Jordan and the State party's close collaboration with the United Nations Office on Drugs and Crime (UNODC), UNICEF and others to improve coordination and collaboration amongst partners working in the field of juvenile justice. While acknowledging the State party's efforts to protect the rights and the best interests of juveniles deprived of their liberty, for example, by implementing aw No. 11 and Law No. 52, both of 2002, amending the Juveniles Act, it notes with concern that:

(a) Despite the information from the State party that efforts are being made to raise the age of criminal responsibility to 10 years, the minimum age of criminal responsibility is still too low (7 years);

(b) Due to the lack of alternative sentences, deprivation of liberty is not used as a last resort;

(c) The lack of resources impedes the establishment of a special juvenile court;

(d) Not all children in conflict with the law are provided with free legal assistance;

(e) Children in conflict with the law, particularly girls, are not provided with adequate recovery and social reintegration services.

970. 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, 39 and 40 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 (the Havana Rules), taking into account the recommendations adopted by the Committee on its day of general discussion on juvenile justice held on 13 November 1995 (CRC/C/46, paras. 203-238). It recommends that the State party:

(a) Urgently raise the minimum age of criminal responsibility to an internationally acceptable level;

(b) Strengthen its efforts to implement the Juvenile Justice Reform Programme and to ensure that it conforms fully with the principles and provisions of the Convention; and 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) Establish juvenile courts with appropriately trained staff throughout the country;

(d) Expand access to free legal aid and independent and effective complaints mechanisms to all persons below 18 years of age;

(e) Ensure that both sentenced and released persons below 18 years of age are provided with educational opportunities, including vocational and life-skills training, and recovery and social reintegration services, in order to support their full development;

(f) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice.

971. As regards the protection of child victims and witnesses at all stages of the criminal justice process, the Committee draws the State party's attention the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Resolution 2005/20 of the Economic and Social Council).

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

972. While welcoming the State party's signature of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict on 6 September 2000, the Committee recommends that the State party expedite the process of ratification of the Optional Protocols and publish these in the Official Gazette.

10. Follow-up and dissemination

Follow-up

973. 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 Cabinet and the National Assembly, and to governorates, when applicable, for appropriate consideration and further action.

Dissemination

974. 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 languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

975. The Committee invites the State party to submit a consolidated fourth and fifth report by 22 December 2011 (that is 18 months before the due date of the fifth periodic report). This is an exceptional measure due to the large number of reports received by the Committee every year. 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.

IV. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

976. 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:

- Mr. Gary Melton, Consultant, UNICEF, the NGO Group for the CRC, related to the development of a general comment on article 12 of the Convention;
- Paulo Sergio Pinheiro, Independent expert of the Secretary-General's study on violence against children;
- World Health Organization, UNICEF, Bernard van Leer Foundation related to the work of the Committee, including its general comment, on early childhood development;
- Defence for Children International, Palestine.

V. METHODS OF WORK OF THE COMMITTEE

977. At its 1158th meeting, held on 11 September 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 and workshops on follow-up to the implementation of its concluding observations.

978. The Committee adopted revised reporting guidelines on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography which it developed with the support of the UNICEF Innocenti Research Centre.

VI. GENERAL COMMENTS

979. At its 1199th meeting held on 29 September 2006 the Committee adopted its general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9). The Committee also discussed the advancement of drafts of its three forthcoming general comments on: juvenile justice; the rights of indigenous children; and the right of the child to express views and be heard.

VII. DAY OF GENERAL DISCUSSION

980. On 15 September 2006 the Committee held its annual day of general discussion entitled "To speak, participate and decide - the child's right to be heard" based on article 12 of the Convention.

A. Introduction

981. The annual days of general discussion of the Committee on the Rights of the Child seek to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. On 15 September 2006 during its forty-third session, the Committee devoted its day of general discussion to the theme "To speak, participate and decide - the child's right to be heard".

982. In its consideration of the reports of States parties on implementation of the Convention on the Rights of the Child, the Committee has systematically stressed the importance of children's right to express their views in all matters affecting them, with those views being given due

weight in accordance with the age and maturity of the child. The Committee has identified this right as one of the four general principles of the Convention. This means that the implementation of article 12 is an integral part of the implementation of the other articles of the Convention, as well as a free-standing right of the child.

983. The day of general discussion sought to explore the meaning of article 12 and its linkages to several other articles. Particular attention was given to the implications of the article for child participation, both as individuals and as a collective constituency, in all aspects of society and for the right to be heard in legal and administrative proceedings. Discussion further focused on identifying the gaps, certain good practices, and priority issues that need to be addressed in order to further the enjoyment of the right of the child to be heard and to have those views taken into account, in a manner consistent with the Convention. It also focused on promoting child participation and opportunities at all levels in the home, school, community and wider society, as well as in emergencies, conflict and post-conflict situations.

984. During the day of general discussion, which is a public meeting, representatives of Governments, United Nations bodies and specialised agencies, non-governmental organizations (NGOs) and national human rights institutions (NHRIs), as well as individual experts took part. Over 200 participants from 45 different countries participated during the day, including some 30 children from different parts of the world. The children actively took part in the discussions and throughout the day voiced their priority concerns and provided important contributions with examples of actions and projects relating to the implementation of article 12.

985. In order to facilitate an in-depth discussion of these issues, the Committee convened two working groups on the following sub-themes in relation to article 12:

- Children as active participants in society;
- The child's right to be heard in judicial and administrative proceedings.

986. The recommendations contained herein stem from the concerns and proposals raised during the day of general discussion and the over 60 written submissions received prior to the event.¹ The balance among the recommendations reflects the focus during the discussions of the day and also that of the written contributions, the majority of which highlighted the role of child participation at the community level. The Committee however wishes to underline the importance of encouraging child participation in the home and at school.

¹ All written submissions can be consulted at <http://www.crin.org/resources/treaties/discussion2006.asp>.

B. Recommendations²

987. The Committee considers that recognising the right of the child to express views and to participate in various activities, according to her/his evolving capacities, is beneficial for the child, for the family, the community, the school, the State and for democracy.

988. “To speak, to participate, to have their views taken into account.” These three phases describe the sequence of the enjoyment of the right to participate from a functional point of view. The new and deeper meaning of this right is that it should establish a new social contract, one by which children are fully recognised as rights holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them, a right which can be considered as the symbol for their recognition as rights holders. This implies, in the long term, changes in political, social, institutional and cultural structures.

1. General

989. The Committee reaffirms the obligation of States parties to implement article 12 which is one of the four general principles of the Convention on the Rights of the Child and should therefore be an integral part of the implementation of the other provisions in the Convention.

990. The Committee recalls the commitment to the right of the child to participate, as expressed by States parties at the United Nations Special Session on Children in 2002 and in General Assembly resolution S-27/2 entitled “A world fit for children”.

991. In order for all children to enjoy the right enshrined in article 12, the Committee stresses that appropriate measures need to be undertaken to address discrimination against vulnerable or marginalized groups of children such as those affected by poverty or armed conflict; children without parental care, including children in institutions; children with disabilities; refugee and displaced children; street children; and children belonging to indigenous and minority groups.

992. In particular, the Committee notes the need to combat certain traditional and cultural attitudes which fail to recognise the right of the child to participate in society. The Committee calls for promotion of a social climate conducive to child participation, in order for this right to be realised.

993. The Committee urges States parties to pay special attention to the right of the girl child, as sexist stereotypes and patriarchal values undermine and place severe limitations on the girl child’s enjoyment of the right set forth in article 12.

994. The Committee notes the importance of encouraging opportunities for child participation as a tool to stimulate the evolving capacities of the child.

² These recommendations are the outcome of the day of general discussion on the right of the child to be heard in 2006, however they by no means purport to form an exhaustive list of recommendations regarding the interpretation of article 12 of the Convention on the Rights of the Child.

995. The Committee reaffirms the links between article 12 and article 13, as the right to receive and impart information is an important prerequisite for the participation of children in society. The Committee urges States parties to consider developing child-friendly information in relation to all matters affecting children.

996. Recalling its general comment No. 5 on General measures of implementation of the Convention on the Rights of the Child, the Committee reaffirms that: “listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children’s rights. ... article 12 requires consistent and ongoing arrangements. Involvement of and consultation with children must avoid being tokenistic ...”.³

997. The Committee urges States parties that have made reservations on the application of articles 12, 13, 14, 15 and 17 of the Convention to consider withdrawing them.

998. The Committee recommends that donors, international financial institutions and international organizations ensure that child participation is taken into account in development cooperation.

2. Article 12, paragraph 1: Children as active participants in society

Home

999. The Committee encourages States parties to formulate policies and programmes with a view to supporting the family and especially those of vulnerable groups.

1000. The Committee recommends that States parties further promote education on parenting and disseminate information to parents on the rights enshrined in the Convention, and in particular on the right of the child to express his or her views, as they are of benefit to the whole family.

1001. The Committee encourages parents to support children in order to promote their participation at different levels in society.

1002. The Committee recognises that a participatory family structure where the child can freely express views provides an important model for encouraging child participation in the wider society. Furthermore, it plays a role in the prevention of domestic violence and abuse.

School

1003. The Committee recognises the key role played by the school environment in enhancing and promoting child participation. The Committee reiterates, as previously stated in its general comment No. 1 on The aims of education that: “The participation of children in school life, the

³ CRC/GC/2003/5, para. 12.

creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights”.⁴

1004. The Committee urges States parties to ensure that primary education is compulsory and free and of high quality and relevance to the child. Furthermore, States parties should make sure that every child has a place in school, is able to enrol and does not drop out of school.

1005. The Committee encourages the active consultation of children in the development and evaluation of school curricula, including in the development of methodology, as greater participation is conducive to increasing the involvement of children in the learning process. Child-centred education should be provided, taking into account the needs of vulnerable children.

1006. The Committee reminds States parties of their obligation to ensure that human rights education in general, and the Convention in particular, is included in the curricula in order to equip children with the fundamental knowledge tools they need for enhancing the exercise of their rights. Students informed of their rights can also more effectively combat discrimination, violence and corporal punishment in schools. The Committee encourages States parties to refer to general comment No. 8 on The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, for further guidance on participatory strategies to eliminate corporal punishment.⁵

1007. The Committee calls on States parties to provide teacher training on participatory teaching methodologies and its benefits, and on paying special attention to the needs of vulnerable children, whose difficult situation may lead to them dropping out of school. These children must enjoy special attention and be given the opportunity to express their views without intimidation.

Community level

1008. The Committee urges States parties to move from an events based approach to the right to participation to the systematic inclusion of children in policy matters, to ensure that they can express their views and effectively participate in all matters affecting them. The Committee calls on States parties to comply with their obligation to ensure that child participation is taken into account in resource allocation and that mechanisms to facilitate the participation of children in society be institutionalized as a tool for implementation.

1009. The Committee calls for States parties to clearly designate which authority has the key responsibility in the implementation of children's rights and to ensure that this entity establishes direct contact with child and youth led organizations in order to engage with them.

⁴ CRC/GC/2001/1, para. 8.

⁵ CRC/C/GC/8.

1010. The Committee recommends that independent national human rights institutions and or children's ombudsmen or commissioners ensure that children are given easy access to them to raise their concerns and that adequate resources are dedicated to involving children in their monitoring of the implementation of children's rights.

1011. The Committee recommends that children and youth be directly included in the planning, design, implementation and evaluation of national plans of action which relate to children's rights, in recognition of their role as core stakeholders in the process. Such open consultation should ensure that national plans of action for the implementation of children's rights are fully relevant for children.

1012. The Committee reminds States parties of the need to provide training on the rights of the child to all public officials who influence government policy and implement programmes which involve children's issues, in order to promote awareness of the rights of the child and the obligation of taking the views of children into account.

1013. The Committee recognises as positive the step taken in numerous countries by the creation of child parliaments at national, regional and local levels, as such initiatives offer a valuable insight into the democratic process and establish links between children and decision makers. The Committee however urges States parties to establish clear guidelines on how the views presented by children in such forums are taken into account by the formal political process and policymaking, and to ensure that children are provided with adequate responses to their proposals.

1014. The Committee encourages the direct involvement of children in monitoring the implementation of all rights enshrined in the Convention. The Committee recommends that States parties actively involve children in the periodic review process of the Convention. It also urges children to play an active role in identifying aspects of human rights in need of further attention and in monitoring the implementation of concluding observations at the national level. In particular, the Committee calls on children to actively engage in local policy issues which relate to budget allocations, for example in the areas of education, health, working conditions for youth and violence prevention.

1015. The Committee notes the role that can be played by children in reviewing domestic legislation and advocating legal reform in order to ensure that the principle of participation is adequately reflected in legislation, for example in the Family Code and the Criminal Code. In countries that have yet to adopt a Children's Code, the active promotion of legislative change by children themselves can play a catalysing role. Furthermore, organized youth participation can make an important contribution to promotion of the ratification of international human rights instruments.

1016. The Committee recognises and appreciates the important role played by non-governmental organizations (NGOs) in facilitating the active participation and organization of children and youth both at the national and international level. Furthermore, the Committee welcomes the increasing number of youth led organizations in various parts of the world. In this context, the Committee reminds States parties of the right to exercise freedom of association as stipulated in article 15 of the Convention.

1017. The Committee welcomes the significant contributions by NGOs in promoting awareness-raising in society regarding the right of the child to participate fully, in accordance with article 12. The Committee encourages NGOs to further promote child participation and facilitate international exchanges of experience and best practice. In particular, the Committee encourages NGOs, including national alliances on children's rights, to engage directly with children in the process of parallel reporting under the Convention and also encourages the presence of children during pre-session country briefings with the Committee.

1018. The Committee suggests that further attention be given to finding new means of participation in accordance with preferences indicated by children themselves, in order to ensure that they feel comfortable in expressing their views. In this context, the Committee recalls article 31 of the Convention which establishes the right of the child to participate freely in cultural life and the arts. The Committee welcomes efforts to enhance child participation through creative expression, including in drama, music and dance.

1019. The Committee recognises the essential role played by the media in promoting awareness of the right of the child to express views and urges various forms of media, such as radio and television, to dedicate further resources to including children in the development of programmes and allowing children to develop and lead media initiatives on their rights.

1020. The Committee encourages institutions that conduct research on children's issues for academic or policy purposes to ensure, when appropriate, that children are actively consulted and are given an opportunity to participate directly in the process.

1021. The Committee recommends that States parties take into account children's participation in the community at different levels and notes that in certain contexts apparent inconsistencies arise, such as when children below the age of 18 are subject to military service yet are not eligible to vote.

3. Article 12, paragraph 2: The child's right to be heard in judicial and administrative proceedings

1022. The Committee reminds States parties that the right of the child to be heard in judicial and administrative proceedings applies to all relevant settings without limitation. These include: children separated from their parents; custody and adoption cases; children in conflict with the law; child victims of physical violence, sexual abuse or other violent crimes; asylum-seeking and refugee children; and children who have been the victims of armed conflict and emergencies.

1023. The Committee affirms that all children involved in judicial and administrative proceedings must be informed in a child-friendly manner about their right to be heard, the modalities of doing so and other aspects of the proceedings.

1024. The Committee advises States parties to provide all relevant professional categories involved in judicial and administrative proceedings with mandatory training on the implications of article 12 of the Convention. Judges and other decision makers should, as a rule, explicitly state and explain the outcome of proceedings, especially if the views of the child could not be accommodated.

1025. The Committee urges States parties to examine all existing laws and regulations with a view to ensuring that article 12 is adequately integrated in all relevant domestic laws, regulations and administrative instructions.

1026. The Committee requests that States parties establish specialized legal aid support systems in order to provide children involved in administrative and judicial proceedings with qualified support and assistance.

1027. The Committee notes that with regard to adoption, article 21, paragraph (a) of the Convention stipulates that “the persons concerned have given their informed consent” which should be considered in the context of the right of the child to express his or her views and have them considered in accordance with the age and maturity of the child.

1028. The Committee recalls that in decisions on the separation of children from their parents, “all interested parties shall be given an opportunity to participate in the proceedings and make their views known” in accordance with article 9, paragraph 2 of the Convention.

1029. The Committee recalls the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)⁶ which state in paragraphs 3, 37 and 50 that “young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control... youth organizations should be created or strengthened at the local level and given full participatory status in the management of community affairs ... young persons themselves should be involved in [the] formulation, development and implementation [of plans and programmes]”.

1030. The Committee reaffirms the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)⁷ which provide in paragraph 14.2 that “proceedings shall be conducted in an atmosphere of understanding which shall allow the juvenile to participate therein and to express herself or himself freely”.

1031. The Committee reminds States parties that in order to ensure that the views of children in conflict with the law are duly taken into account, the following must be provided as a minimum in order to ensure their participation in accordance with articles 12 and 40 of the Convention:

- (a) Adequate legal or other appropriate assistance;
- (b) Free access to an interpreter if the child cannot speak or understand the language used;
- (c) Respect for his or her privacy during all stages of the proceedings;
- (d) Recognition that the child has a right to participate freely and cannot be compelled to give testimony.

⁶ General Assembly resolution 45/112 of 14 December 1990.

⁷ General Assembly resolution 40/33 of 29 November 1985.

1032. The Committee welcomes the important contribution to the protection of children who have been the victims of sexual abuse or other violent crimes established in the provisions of the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, adopted by the United Nations Economic and Social Council in 2005⁸ and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in particular article 8. The Committee urges States parties to pay particular attention to these standards and ensure their practical implementation.

1033. The Committee thus urges States parties to ensure that the views, needs and concerns of child victims who have suffered sexual abuse or other violent crimes be presented and considered in proceedings where their personal interests are affected. In addition to the rights outlined above for children in conflict with the law, States parties should adopt and implement rules and proceedings for child victims of physical violence, sexual abuse or other violent crimes, ensuring that repetition of testimonies be avoided by the use of videotaped interviews to reduce re-traumatisation, that protective measures and health and psychosocial services be made available and that unnecessary contact with the perpetrator be avoided. The identity of the victim should be kept confidential and when required, the public and media should be excluded from the courtroom during the proceedings.

1034. The Committee affirms that age should not be a barrier to the child's right to participate fully in the justice process. In cases where States parties have established a minimum age for the right of the child to be heard, measures should be taken to ensure that the views of children below the minimum age be considered, in accordance with their levels of maturity, by specially trained social workers or other professionals.

1035. The Committee further notes that age should not be an impediment for children in accessing complaints mechanisms within the justice system and administrative proceedings.

1036. The Committee recommends that, when applicable, independent national human rights institutions ensure that children can easily access complaints mechanisms and advisory services.

1037. The Committee requests that special attention be given to the right of the child to be heard in immigration, asylum and refugee procedures by taking measures to ensure that the rules and practices, including the provision of interpreters, are in full compliance with the requirements elaborated by the Committee on the Rights of the Child in its general comment No. 6 on the Treatment of unaccompanied and separated children outside their country of origin, in particular paragraph 25.⁹

1038. The Committee urges States parties to ensure that the view of the child and the best interests of the child be given due consideration in all circumstances, including in traditional justice procedures and in post-conflict resolution processes and that all efforts seek to avoid victimization of the child.

⁸ Economic and Social Council resolution 2005/20.

⁹ CRC/GC/2005/6.

4. Recommendations to be followed up on by the Committee

1039. In order to provide further guidance on the implementation of the Convention, the Committee reaffirms its intention to develop a general comment on article 12, its importance as a general principle as well as a substantive right, and its linkages with other articles of the Convention on the Rights of the Child. The general comment will explore in detail how the right should be implemented consistently in all settings. The day of general discussion and its outcome, including the written submissions, form part of this process.

1040. The Committee recognises the importance of child participation in the work of the Committee and encourages children and youth representatives to submit information in the context of periodic reviews. It also stresses in particular their important role in advocating and monitoring the implementation of the concluding observations at the national level.

1041. The Committee remains committed to exploring means of furthering the participation of children in the work of the Committee, and in particular encourages more participation of children during pre-session country briefings with civil society representatives.

VIII. FUTURE DAY OF GENERAL DISCUSSION

1042. At its 1199th meeting held on 29 September 2006, the Committee decided to dedicate its 2007 day of general discussion to article 4 of the Convention.

IX. FUTURE MEETINGS

1043. The following is the draft provisional agenda for the forty-fourth session of the Committee:

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

X. ADOPTION OF THE REPORT

1044. At its 1199th meeting, held on 29 September 2006, the Committee considered the draft report on its forty-third 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**	Republic of Serbia
Mr. Jean ZERMATTEN**	Switzerland

* Term expires on 28 February 2007.

** Term expires on 28 February 2009.

Annex II

DAY OF GENERAL DISCUSSION

To Speak, Participate and Decide - The Child's Right to be Heard

OUTLINE

1. On 15 September 2006 during its forty-third session, the Committee on the Rights of the Child will devote its annual Day of General Discussion (DGD) to "Speak, Participate and Decide - the Child's Right to be Heard". The Committee decided to take up this topic at its fortieth session (12-30 September 2005) pursuant to rule 75 of its provisional rules of procedures.
2. The purpose of the days of general discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. After the discussion the Committee adopts recommendations, taking into account the issues raised. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions, as well as individual children and experts are invited to take part.

Approach and Objectives for the Day of General Discussion

3. In its consideration of the reports of States parties on implementation of the Convention on the Rights of the Child, the Committee has systematically stressed the importance of children's right to express their views in all matters affecting them, with those views being given due weight in accordance with the age and maturity of the child. The Committee has identified this right as one of the four general principles of the Convention. This means that the implementation of article 12 is an integral part of the implementation of the other articles of the Convention, as well as a free-standing right of the child.
4. The purpose of the day of general discussion, therefore, is to:
 - Explore the meaning of article 12, its linkages to the other articles (in particular articles 3, 6, 9, 10, 11, 13, 15, 16, 19, 20, 22, 30 and 31), and the implications of the article for child participation, both as individuals and as a collective constituency, in all aspects of society;
 - Focus on identifying the gaps, certain good practices and priority issues that need to be addressed in order to further the enjoyment of the right of the child to be heard and to have those views taken into account, in a manner consistent with the Convention;
 - Promote child participation and opportunities at all levels in the home, school, community and wider society, as well as in emergencies, conflict and post-conflict situations.

5. In order to facilitate an in-depth discussion of these issues, the Committee has decided to convene two working groups which should focus on the two following sub-themes:

Group 1: The child's right to be heard in judicial and administrative proceedings

6. This group will focus on the individual child's right to be heard in any judicial or administrative proceedings affecting her or him as provided for in article 12. Such proceedings can be related to civil and criminal law, family and alternative care, protection, health, immigration status and schooling among others. In particular, the working group will clarify how this right is currently implemented, what the major stumbling blocks in implementation are, and whether specific standards need to be elaborated. It will also address certain questions including:

- What mechanisms and practical measures must be in place to afford children the opportunity to be heard in an appropriate and credible manner? What training is necessary and for whom?
- To what extent does the right to be heard in judicial or administrative proceedings include the right to be informed of decisions and their implementation? Can the right to be heard be waived by the child?
- Who determines when such mechanisms to ensure the child can be heard are initiated and how to give the child's views "due weight in accordance with the age and maturity of the child", and on what basis?
- Are specific procedures and legal provisions necessary to guarantee the child's right to be heard as a witness in a legal procedure? If so, what kind of measures should be considered? In this regard - does it make a difference whether it is a civil or criminal law procedure? If so, in what way?
- Should minimum standards for the exercise of the right to be heard in judicial and administrative proceedings be established and how could such standards be applied in emergencies, conflict and post-conflict situations?

Group 2: Children as active participants in society

7. This group will focus on the child's right to express views in various settings, such as the family, school, associations and politics, and to become active participants in decision-making processes in these settings. In this context articles 13 and 15 of the Convention are of particular relevance. The group will consider children both as individuals and as a specific constituency. It will also seek to identify the current situation related to this broader aspect of children's involvement in society, the main obstacles to ensuring that they actively participate, and ways forward. The influence of social movements in advancing the right of the child to be heard will be taken into account. Questions to be addressed include:

- How have children been active as participants in society (concrete examples) and what is their assessment of such participation?

- How and when can direct participation by children move from consultation to active partnership and mobilize them to become initiators of an action or project?
- What mechanisms can be created to foster participation of children in school, associations and community settings?
- How can the effectiveness of children's participation be evaluated?
- How can an enabling environment conducive to child participation be created?
- Should child-led and youth groups and organizations be given legal status or recognition?
- Should children be able to participate fully in political processes before the age of 18?

Children as active participants in the Day of General Discussion

8. It is recommended that where possible, children and their organizations/networks be involved in the day of general discussion as participants.

PARTICIPATION IN THE DAY OF GENERAL DISCUSSION

9. Days of general discussion are public annual meetings at which representatives of Governments, United Nations bodies and specialized agencies, national human rights institutions, non-governmental organizations, including youth groups, and individual experts are welcome. The meeting will be held during the forty-third session of the Committee, at the Office of the United Nations High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 15 September 2006.

10. The format of the day of general discussion is meant to allow participants to exchange views in a frank and open dialogue. However, due to time constraints, the Committee asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information (including from children) about the main difficulties, good practices and areas for and modalities of action related to child participation within the two working groups.

11. Contributions should be sent before 30 June 2006 electronically to:

CRCgeneraldiscussion@ohchr.org

Secretariat, Committee on the Rights of the Child
Office of the United Nations High Commissioner for Human Rights, UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

Expected outcomes

12. The Committee will adopt recommendations based on the presentations on the theme and the deliberations of the two working groups. It is expected that the day of general discussion and the subsequent recommendations will identify specific issues and principal concerns to be further studied and will also provide inputs into the drafting process of a general comment on article 12, which is being developed by the Committee in cooperation with UNICEF.

More information?

13. For more information on submission and registrations, please see the guidelines posted on the Committee's webpage at:

<http://www.ohchr.org/english/bodies/crc/discussion.htm>.

Annex III

REPRESENTATIVES OF STATES PARTIES, ORGANIZATIONS AND BODIES REGISTERED FOR PARTICIPATION IN THE DAY OF GENERAL DISCUSSION

“To speak, participate and decide - the child’s right to be heard”

Representatives of States parties to the Convention

United Nations bodies and agencies and other intergovernmental organizations

Council of Europe
Direction du développement et de la coopération,
Economic Community of West African States - COWAS,
Flemish Ministry for Culture, Youth, Sport and Media
Foreign Affairs and International Trade, Canada

Ombudsmen and Commissioners for Children

Northern Ireland Commissioner for Children and Young People, Norwegian Ombudsman for Children, Office of the Commissioner for Human Rights Council of Europe

Non-governmental organizations, other organizations, institutions, academia and individuals

Alliance Internationale des Femmes, Aparajeyo-Bangladesh, Article 12 in Scotland, Asamblea permanente por los Derechos Humanos, Associazione Camina, Barnardos Disabled Children & Young Persons Participation Project, Bernard van Leer Foundation, Canadian International Development Agency/Children’s Rights and Protection Unit, Catholic University of Leuven IAP interdisciplinary and interuniversity network on children’s rights, CDIA, Central Union for Child Welfare, Centre for Judeo/Christian Law and Ethics, Centre for the Rights of the Child - Ghent University, Centre of Excellence for Youth Engagement and Brock University, Child Helpline International, Child Rights information Network (CRIN), Child rights Ombudsman institution of the Republic of Lithuania, Children of salvation Ministry, Children’s Law Centre, Children’s Law Centre/Save the Children, Children’s Rights Alliance for England, Commission des droits de la personne et des droits de la jeunesse au Québec, Consulta Circoscrizionale dei Ragazzi del Medio Ponente, Coordination des ONG pour les droits de l’enfant (CODE), Defence for children International section the Netherlands, Depart. of Public and International Law, Deutsche Liga für das Kind, ECPAT International, ECPAT International Child and Youth Advisory Committee, Enfant Droit, Eurochild AISBL - Children in Wales, European Network of Masters on Children’s Rights (in coop. with ProNats, ItaliaNats), Faculty of Law, Federation for the Protection of Children’s Human Rights, Foster Parents Plan, General Research Institute of the Convention on the Rights of the Child, Global Initiative to End All Corporal Punishment of Children, Gruppo di Lavoro per la Convenzione sui diritti dell’infanzia e dell’adolescenza, Human Rights Centre of Ghent University, IAP Children’s Rights Network, IFEJANT, In Defence of the Child C/O : Committee for Legal Aid to Poor (CLAP), India Alliance for Child Rights (National Coalition for CRC Review and Reporting), International

Federation of Social Workers, International Foster Care Organization, International Foster Care Organization (IFCO) Quality4Children Project (Q4C), International Movement ATD Fourth World/Taipori International, International Service for Human Rights, International Social Service/International Reference Centre for the Rights of Children Deprived of their Family, ITALIANATs Association, Jamaica Coalition on the rights of the child, Karlstad University, Kinderrechtcoalitie, Knowing Children, La Familia Latina Unida, Lawstudent, Lus Primi Viri International Association IPV, MIIDAN Educational Trust - Plan International, Municipality of Genoa, National Coalition for the implementation of the UN Convention on the Rights of the Child in Germany, NGO Group, Norwegian Centre for Child Research, Norwegian Youth Council, Office des Ecoles en Santé - Student in the Executive Masters in Children's Rights, Paediatrician, Pestalozzi Children's Foundation, PhD Candidate researching Article 12, PIDIDA, Plan International, Plan International El Salvador, Plan International Ghana, Plan International India, Plan International Kenya, Plan International Norway, Plan International Regional Office for Asia, Plan International Senegal, Plan International Sweden, Plan International Zimbabwe, PLATAFORMA NACIONAL, Play-a-part, PRESS-Save the children Youth Norway, Public Health Agency of Canada, Quality4Children, Red Nacional de Ninos, Save the children, Save the Children Denmark, Save the Children UK, Save the Children Norway, Save the Children Sweden, Save the Children Sweden in East Asia and Southeast Asia and Pacific Region, Save the Children Wales - UK, Save the Children Youth Denmark, SOS-Kinderdorf International, Sozialdepartement Stadt Zurich, State Child Rights Protection and adoption service Ministry of Social Security and Labour, Street Law Inc., Student, Student, UNICEF, Université Catholique de Louvain, World Vision, World Vision Canada, World Vision Regional Office for the Latin America and Caribbean Region, Youth for Human Rights International.

Annex IV

LIST OF SUBMISSIONS TO THE DAY OF GENERAL DISCUSSION

“To speak, participate and decide - the child’s right to be heard”

Children’s Submissions

- (1) Iraqi Children’s Art Exchange Project (Iraq)
Art gives children a voice
- (2) Emily Middleton (UK)
Youth participation in the UK- bureaucratic disaster or triumph of child rights?
- (3) Children’s Rights Alliance for England
Written submission from CRAE Young People’s Panel
- (4) Peaceways - Young General Assembly Secretariat
Statement from the Young General Assembly

NGO submissions

- (1) Vzw Ondersteuningsstructuur Bijzondere Jeugdzorg (Belgium)
Development of a self-reflective instrument for youth care workers focused on participation (Summary)
- (2) Dr. Ruben D. Efron, Asamblea Permanente por los Derechos Humanos (Argentina)
Niños/as y Jovenes como protagonistas en los procesos de cambio. Efectos en la subjetividad
- (3) Saskatchewan Children’s Advocate Office (Canada)
Saskatchewan Children’s Right to Participate and be Heard in Child Welfare Proceedings
- (4) Lebanese Association of SOS Children’s Villages (Lebanon)
Listening to the Views of Children: the Alternative Care context
- (5) Perhaps ... Kids Meeting Kids
Contribution to the 2006 Day of General Discussion
- (6) Kinderrechtencoalitie Vlaanderen (Belgium)
Group 1: Hearing Children in the Belgian Law - Group 2: Participation on Community Level
- (7) Article 12 in Scotland (UK/Scotland)
Children and Young People as Active Participants in Society
- (8) Central Union for Child Welfare (Finland)
Children Have the Right to Quality Media

- (9) World Vision International
- Submission to the Committee on the Rights of the Child's Day of General Discussion
- Propuesta de Visión Mundial Internacional al Comité de los Derechos del Niño para el Día de Debate General
- (10) HAQ Centre for Child Rights (India)
Children's Right to be Heard in Judicial Processes
- (11) Disabled Children and Young Peoples Participation Project
UNCRC Day of General Discussion
- (12) Defence for Children International (Netherlands)
The right of participation in immigration law, the Dutch experience
- (13) Don't Just Tick the Box!
Contribution to the 2006 Day of General Discussion
- (14) Flemish Child Friendly Cities Network (Belgium)
Children and Local Elections
- (15) IAP Research Network (Belgium)
Group 1: Some difficulties arising from CRC Article 12 - Group 2: Methods of Implementing Participation Rights of Children
- (16) Northern Ireland Commissioner for Children and Young People (UK/Northern Ireland)
Submission to the 2006 Day of General Discussion
- (17) Plan (Togo)
Contribution des enfants au développement communautaire: Cas des zones d'Intervention de l'ONG Plan Togo
- (18) National Coalition for the Implementation of the UNCRC in Germany (Germany)
The Participation of Children and Young People in National and International Conferences and Meetings
- (19) Child Helpline International
Children's Participation at Children's Helplines Around the World
- (20) Quality 4 Children Project
Involvement of young people in the Quality for Children project
- (21) Canadian Child Care Federation (Canada)
To Speak, Participate and Decide - the Child's Rights to be Heard
- (22) Asamblea Permanente Por los Derechos Humanos, Comisión de Niñez, Adolescencia y Familia
Escuchar a niños, niñas y adolescentes; un proceso que se construye

(23) PRESS - Save the Children Youth Norway (Norway)

Contribution to the Day of General Discussion 2006 - Brochure PRESS

(24) Child Watch

Understanding and contextualising children's real participation

(25) Centre of Excellence for Youth Engagement, Brock University (Canada)

Why am I told to act like an adult and then treated like a child?: Children's participation rights in Canada - Recommendations

(26) Ius Primi Viri and Centre for Human Evolution Studies

To Educate Human Dignity during Childhood - English/Español/Français

(27) Equality Commission for Northern Ireland

Response to the UNCRC Day of General Discussion on the Child's Right to be Heard

(28) Save the Children - Wales programme

Children as Active Participants in Welsh Society

(29) ECPAT - International Secretariat

Reports on the Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in Indonesia, Bangladesh, Nepal and India

(30) Cecodap (Venezuela)

Participacion politica de niñas, niños y adolescentes

(31) Committee for Legal Aid to the Poor (India)

Rights of Children to be Heard

(32) Save the Children Youth Denmark

Case studies from Save the Children Youth Denmark

(33) International Foster Care Organization

Submission for the 2006 Day of General Discussion

(34) ISEGORIA (Argentina)

Dia de Debate General: Documento de trabajo

(35) Cecodap (Venezuela)

El derecho a ser escuchado es el derecho a ser reconocido

(36) PRONATs and ITALIANATs (Europe)

Statement on Child Participation for the UNCRC Day of General Discussion

(37) Plan International - HQ

Children and the media: Recommendations for the 2006 Day of General Discussion - Recommendations (summary)

- (38) Pidida - Italian Coalition on the Rights of the Child and the Adolescent (Italy)
Contribution to the Day of General Discussion 2006 - Working Group 2
- (39) Children's Law Centre and Save the Children (Northern Ireland)
- *Paper submitted to the UN Committee on the Rights of the Child for its 2006 Day of General Discussion*
- Second paper
- (40) Irish Society for the Prevention of Cruelty to Children (Ireland)
Children as active participants in society
- (41) UNICEF (Belgium)
What Do You Think? Children reporting on children's rights
- (42) Creative Exchange
A new model for children and young people's participation
- (43) Group of NGOs in Latin America
Recomendaciones al Comité de los derechos del niño sobre el derecho de los niños a ser escuchados
- (44) India Alliance for Child Rights (India)
India's children express their vision of a nation fit for them
- (45) Tapor International
Children as Actors in the Fight against Poverty and Exclusion - English/Français
- (46) Children's Rights International (Ghana)
What is the Language of Judiciary in Children's Rights?
- (47) Save the Children Sweden - Regional Programme for Latin America and the Caribbean
Recomendaciones al comité de los derechos del niño sobre el derecho de los niños a ser escuchados
- (48) International Bureau for Children's Rights
The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and the Right to Be Heard
- (49) UNICEF Malaysia
- *Implementation of article 12 in the juvenile justice system in Malaysia*
- *Child participation: the Malaysia experience*
- (50) First Nations Child and Family Caring Society
Speak, Participate and Decide: The Child's Right to be Heard

(51) Justice for Children and Youth (Canada)

Children's Right to be Heard in Canadian Judicial and Administrative Proceedings

(52) PRIAS

Pianificazione delle politiche cittadine e delle azioni per e con l'infanzia e l'adolescenza

Individual submissions

(1) Priscilla Alderson (UK)

Babies' Rights to be Heard

(2) Prof. Dr. Mechthild Wolff and Sabine Hartig (Germany)

Participation of Children and Youth in Residential Care

(3) Ellen Murray (Canada)

Fostering Participation of Children in School Settings

(4) Ed O'Brien (US)

The Importance of Student Voice: An Examination of Student Decision-Making in the US

(5) Derek Sheppard

Contribution to the 2006 Day of General Discussion
