



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-fifth session

1 September – 13 October 2010

Consideration of reports submitted by states parties under article 44 of the convention

Concluding Observations: Montenegro

1. The Committee considered the initial report of Montenegro (CRC/C/MNE/1) at its 1558th and 1560th meetings (see CRC/C/SR.1558 and 1560), held on 20 September 2010, and adopted at its 1583rd meeting, held on 1 October 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's initial report, and the written replies to its list of issues (CRC/C/MNE/Q/1/Add.1). The Committee also appreciates the open, frank and constructive dialogue with the high-level multi-sectoral delegation.

B. Positive aspects

3. The Committee notes the enactment of:
 - (a) The Law on Family Violence Protection in July 2010;
 - (b) The Law on Anti-discrimination in July 2010; and
 - (c) The New Family Law in January 2007.
4. The Committee welcomes the ratification of:
 - (a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in March 2009;
 - (b) The Convention on the Rights of Persons with Disabilities and its Optional Protocol in November 2009;
 - (c) The 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession in April 2010;

(d) The European Convention on the Compensation of Victims of Violent Crimes in March 2010; and

(e) The 2005 Council of Europe Convention on Action against Trafficking in Human Beings in July 2008.

C. Main areas of concern and recommendations

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

Legislation

5. While the Committee appreciates the steps taken by the State party to harmonize legislation in order to ensure greater consistency with the Convention, the Committee remains concerned that some aspects of domestic legislation, such as the Law on Child and Social protection are not consistent with the principles and provisions of the Convention. Furthermore, the Committee is concerned at the poor implementation of the laws due, inter alia, to the scarcity of human, technical and financial resources.

6. The Committee recommends that the State party continue harmonizing its legislation with the principles and provisions of the Convention, by fully incorporating the Convention into the existent laws, including the Law on Child and Social protection. Furthermore, the Committee urges the State party to ensure, in consultation with all relevant partners and with the participation of civil society, the effective implementation of domestic legislation pertaining to the rights of the child. In that regard the Committee further recommends to ensure sufficient human, technical and financial resources in order to adequately implement relevant laws.

Coordination

7. The Committee notes the existence of the Council of Child Rights, which monitors the State party's compliance with the Convention and other international instruments concerning the protection of child rights. However, the Committee is concerned that this body is not sufficiently active in the planning of policies and setting of priorities and at the lack of sufficient resources for the implementation of the Convention and the Optional Protocols and that the competencies of the Council of Child Rights do not extend to all areas concerning the child. The Committee is, in addition, concerned about the limited possibilities for civil society and children to participate in the Council's work.

8. The Committee recommends that the State party:

(a) Reinforce the role of the Council of Child Rights and enable the Council to take the lead in the planning of policies and setting of priorities for the implementation of the Convention and the Optional protocols;

(b) Extend the competencies of the Council to clearly cover all activities related to the coordination of the implementation of the Convention and the Optional Protocols;

(c) Provided the Council with sufficient human, technical and financial, resources to carry out its mandate effectively;

(d) Ensure, through the composition and methods of work of the Council, sufficient avenues for the effective participation of civil society and children.

National Plan of Action

9. While noting the existence of a National Plan of Action for Children 2004-2010 (NPA) the Committee is concerned that it does not cover all areas of the Convention and its Optional Protocols and does not allow for effective implementation of the principles and provisions of the Convention. The Committee is also concerned at the lack of monitoring of implementation and financial resources allocated to the NPA in order to effectively implement the principles and provisions of the Convention.

10. The Committee recommends that the State party adopt a new NPA for children, based on the evaluation of the NPA 2004-2010, by placing it within a comprehensive national framework which covers all areas of the Convention, taking into account the outcome document of the 2002 General Assembly special session on children, “A world fit for children” and its mid-term review of 2007. Furthermore, the Committee recommends the State Party to develop efficient and effective mechanisms to adequately implement and review all plans of action that are relevant for children and enjoyment of their rights. The State party should also provide adequate human and financial resources for the implementation of the NPA.

Independent monitoring

11. The Committee welcomes the information provided by the State during the dialogue that the Protector of Human Rights and Freedoms Act is being amended and will, inter alia, provide for a department on child rights within the Office of the Protector of Human Rights and Freedoms (OPHRF). However, the Committee regrets that the OPHRF has not yet applied for accreditation to the International Coordinating Committee of National Institution for the Promotion and Protection of Human Rights (ICC). The Committee is also concerned that the mandate of the Deputy Protector of Human Rights and Freedoms appointed in 2009 is not explicitly legally defined, and that there are insufficient resources assigned specifically to children’s issues within the Office. The Committee is further concerned that children and their parents lack information on the possibility to submit complaints, as a result of which very few complaints from or on behalf of children reach the Deputy Protector.

12. The Committee recommends the State party to:

- (a) Adopt the Amended Protector of Human Rights and Freedoms Act;**
- (b) Ensure that the institution is in line with the “Paris Principles” (annexed to General Assembly resolution 48/134 of 20 December 1993) and general comment No. 2 (CRC/GC/2002/2) on the role of independent national human rights institutions and seek accreditation from the ICC;**
- (c) Ensure that the Deputy Protector be provided an explicit legally defined mandate and its department sufficient human and financial resources to carry out its mandate effectively; and**
- (d) Ensure that the department on child rights of the Protector of Human Rights and Freedoms is accessible to children and adequately equipped to receive and investigate complaints of violations of child rights in a child-sensitive manner, and ensure that children and their families are aware of the possibility to submit complaints to this institution.**

Allocation of resources

13. The Committee is concerned at the inadequately low proportion of State annual budget allocated to health care, family support and other areas of direct relevance to children, and the decrease in allocations for education.

14. The Committee recommends the prioritization of children's rights and welfare in the State party's budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention and especially for education, health care and family support. In this regard the Committee urges the State party to pay particular attention to economically disadvantaged, marginalized and neglected children, including Roma, Ashkali and Egyptian children and children with disabilities, with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee recommends that the State party strengthen the skills of the personnel of the administration of the child protection system as well as local Governments in planning and management of budgets that address the needs of children and families.

Data collection

15. The Committee is deeply concerned at the lack of a systematic mechanism for collecting and analyzing data, disaggregated inter alia by age, sex, ethnic or social origin and urban/rural areas, to provide systematic and comprehensive quantitative and qualitative data for all areas covered by the Convention and its Optional Protocols in relation to all children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

16. The Committee recommends that the State establish, with the support of all relevant partners including UNICEF, a consolidated system for the comprehensive collection and analysis of data, in order to effectively analyze, monitor and assess the impact of laws, policies and programmes for all the areas covered by the Convention and the two Optional Protocols. Data should include all children up to the age of 18 years, be disaggregated by, inter alia, age, sex, ethnic or social origin, urban/rural areas, with particular attention to children who have the right to special protection measures.

Dissemination and awareness-raising

17. While noting the information provided by the State party delegation during the dialogue that actions are undertaken to raise awareness among children and their parents on the Convention, the Committee is concerned that these actions are not undertaken in a systematic and targeted manner and that the level of awareness of the Convention remains low among the public at large and among children themselves.

18. The Committee recommends that the State party strengthen its efforts to systematically disseminate and promote the Convention in order to raise awareness of the Convention and the rights of the child among the public at large and children in particular.

Training

19. While welcoming that training on child rights is provided to all judges of Montenegro and to other professionals working for and with children, the Committee regrets that such training does not reach all professionals working with or for children.

20. The Committee recommends to continue and further strengthen adequate and systematic training of all professional groups working for and with children, including, all law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education, and in training activities.

Cooperation with civil society

21. The Committee notes the high number of non-governmental organizations (NGOs) active in the State party and welcomes the 2009 Strategy on collaboration between the Government and NGOs. The Committee is nevertheless concerned about the lack of consultation with civil society in the preparation of the State party's report and the insufficient cooperation in the design and implementation of legislation and policies in areas concerning children's rights.

22. The Committee recommends that the State party continue its collaboration with civil society so as to ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child and throughout all stages of the implementation and monitoring of the Convention. Furthermore, the Committee recommends the State party to ensure consultation with civil society in the design and implementation of legislation, policies and programmes in all areas concerning children. It also recommends that the States party create guidelines for the allocation of funds to NGOs in order to ensure and to improve the transparency of the process of distribution of funds.

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

23. The Committee regrets the absence of a definition of the child in domestic legislation and the lack of clarity therein in the use of the terms of child, minor and juvenile.

24. The Committee recommends the State party to adopt a clear provision on the definition of the child.

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

Non-discrimination

25. While noting the efforts undertaken by the State party to counter discrimination especially against minorities through a variety of laws, strategies, plan of actions and projects, the Committee is concerned at the persistent de facto discrimination against *inter alia* children belonging to minority groups, refugee children, and children with disabilities, in particular with regard to access to education, health care and housing.

26. The Committee recommends that the State party:

(a) **Effectively 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 implementing the existing laws; and**

(b) **Continue to undertake comprehensive public education campaigns to prevent and combat negative societal attitudes and behavior based on sex, age, race, nationality, ethnicity, religion and disability.**

27. 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 at the Durban Review Conference in April 2009, also taking into account the Committee's general comment No. 1 (2001) on the aims of education.

Best interests of the child

28. While noting that the State Party has introduced the principle of the best interests of the child into some of its legislation, it regrets that this principle is not yet sufficiently reflected in all legislative and policy matters affecting children, especially with regard to children in institutions, and that it is not well applied by the judiciary and administrative authorities.

29. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects and services which have an impact on children.

Respect for the views of the child

30. While noting that the principle of the respect for the views of the child is incorporated in the Family Law and the existence of children's parliaments in many schools, the Committee is concerned that certain traditions and cultural attitudes might limit the full implementation of article 12 of the Convention especially in judicial hearings concerning children, in matters concerning school administration and classroom education, and in public debates.

31. The Committee recommends that the State party, by taking into consideration the Committee's general comment No. 12 (2009) on the right of the child to be heard:

(a) Strengthen its efforts to ensure that children have the right to express their views freely in all matters affecting them and to have those views given due weight in schools and other educational institutions, as well as in the family, and reduce the disparities in the opportunities for the participation of students from different social backgrounds and various regions;

(b) Ensure that children are provided with the opportunity to be heard in any judicial, including civil and penal matter, and in administrative proceedings affecting them, and that due weight is given to those views in accordance with the age and maturity of the child;

(c) Develop a systematic approach to increase public awareness of the rights of children to express views and be heard and encourage respect for the views of children within the family, school, care institutions and community; and

(d) Ensure the involvement of children in the preparation and implementation of major developmental plans and programmes in the country, such as national development plans, action plans, annual budgets and poverty reduction strategies.

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

32. The Committee, while welcoming the efforts to address the non-registration of children, notably through the Strategy on Minority Policy (2008-2010), is concerned that there remains a number of children who lack registration and identity documentation, many of whom are Roma, Ashkali and Egyptian refugee children and that there is no strategy for identifying children who lack birth registration and/or identity documentation.

33. The Committee recommends the State party to:

(a) Continue and strengthen its efforts to ensure that all children are registered at birth; including through the development of mobile registration units, by paying particular attention to Roma, Ashkali and Egyptian refugee children;

(b) Undertake a survey to identify children lacking birth registration and/or identity documentation, and take immediate administrative and judicial measures to ensure retroactive birth registration and issuance of documents for these children; and

(c) Take immediate measures to ensure that children lacking identity documents are not refused access to education, health, and public services, including child allowance.

Torture or other cruel, inhuman or degrading treatment or punishment

34. The Committee regrets that the State party does not provide information on the subject of torture and other cruel, inhuman or degrading treatment or punishment especially as there are allegations of children being ill-treated and/or tortured especially in residential care institutions. The Committee is further concerned at the lack of explicit legislation prohibiting the use of torture and the absence of a complaints mechanism for children deprived of their liberty and children placed in institutions.

35. The Committee recommends that the State party:

(a) Take legislative and other measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) Provide all children deprived of their liberty including children placed in institutions a complaints mechanism, where they can file a complaint related to their deprivation of liberty, conditions of detention/internment and treatment;

(c) Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children; and

(d) Provide care, recovery, reintegration and compensation for victims of torture.

Corporal punishment

36. The Committee is concerned at the lack of information provided by the State party on the prohibition of corporal punishment. Furthermore, the Committee is concerned that corporal punishment is widely practiced in the family, in schools, in institutions, in the juvenile justice system and in other settings. Furthermore, the Committee is deeply concerned at the high prevalence of use of corporal punishment against children with disabilities.

37. The Committee urges the State party, by taking into account its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to:

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

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

(c) Promote non-violent, positive, participatory methods of childrearing and education and reinforcing knowledge among children of their right to protection from all forms of corporal punishment; and

(d) Bring offenders before the competent administrative and judicial authorities.

Follow-up to the UN Study on Violence against Children

38. The Committee encourages the State party to prioritize elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures to implement recommendations of the United Nations Study on violence against children, taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia, (held in Slovenia from 5 to 7 July 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- i. Prohibit all violence against children;
- ii. Prioritise prevention;
- iii. Promote non-violent values and awareness-raising;
- iv. Enhance the capacity of all who work with and for children;
- v. Ensure accountability and end impunity.

(b) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;

(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and

(d) Seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

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

39. The Committee notes that several reforms in the child care system have been undertaken and that some family support services have been provided. However, the Committee is concerned that the support provided to families with children and especially to families in a crisis situation due to poverty, families caring for children with disabilities and to single-parent households remains insufficient and sporadic. In that regard the Committee is also concerned at the insufficient availability of family counseling services

and parental education programmes as well as professional staff trained to identify and address family problems.

40. The Committee recommends that the State party:

(a) Increase support to families in carrying out their parental responsibilities, *inter alia*, by creating a social network of child protection at community level and strengthening the family structure;

(b) Provide economic and social assistance programmes for families with special attention to most vulnerable families, such as Roma, Ashkali and Egyptian families, the families caring for children with disabilities and single-parent families;

(c) Develop and financially support community-based and family-focused services; and

(d) Strengthen social services providing family counseling and parenting education and train professionals, including social workers providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training.

Children deprived of family environment

41. While noting the State party's indication that the placement in another family, as an alternative type of placement of children without parental care, is preferred over institutional care, the Committee is concerned that the number of children placed in institutions has not decreased. Furthermore, the Committee is concerned about the absence of periodic review and monitoring of placements, and about cases of maltreatment of children in institutions.

42. The Committee recommends that the State party:

(a) Review its policies to prevent the placement of children in institutions and reduce the number of children in institutions;

(b) Further prioritize family-type care settings over institutionalized placements by, *inter alia*, raising public awareness about the negative impact of institutionalization on a child's development;

(c) Ensure regular review of placement as required under article 25 of the Convention;

(d) Take into account the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 adopted on 20 November 2009, in order to guarantee the application of standards and to prevent abuse; and

(e) Expand and facilitate children's facilities to file complaints about maltreatment in these institutions and enforce prosecution of offences against rights of child.

Adoption

43. The Committee notes the efforts undertaken to protect the rights of the child in the adoption process. However, the Committee is concerned that there are inadequate institutional arrangements for ensuring a smooth process for adoption and that the steps to be undertaken for national and international adoption are unclear.

44. The Committee recommends that the State party continue adapting the legislation on adoption procedure according to art. 21 of the Convention and its principles, and consider ratifying the 1993 Hague Convention on Protection of

Children and Cooperation in Respect of Intercountry Adoption in order to prevent the sale of children for adoption purposes. The Committee further recommends that the State party provide in its combined second and third periodic report more detailed information on the adoption process.

Abuse and neglect

45. The Committee welcomes efforts undertaken by the State party to address child abuse and neglect. It particularly welcomes the information provided by the State party delegation during the dialogue of the enactment of the Law on Family Violence Protection and the drafting of an Anti-Violence Strategy. The Committee is however concerned at the prevalence of abuse and neglect of children, including emotional, physical and sexual abuse in the home, schools and other settings.

46. The Committee recommends that the State party:

(a) **Adopt and implement the Anti-Violence Strategy for the prevention and reduction of child abuse and neglect by, inter alia, undertaking awareness raising campaigns and providing adequate support to children and families at risk and by taking into account the work undertaken by the Operational Multidisciplinary Teams and integrating activities of these teams into the child protection system;**

(b) **Promptly investigate cases of abuse and neglect and apply sanctions against perpetrators;**

(c) **Establish a mechanism for monitoring the number of cases and the extent of abuse, neglect and maltreatment including within the family, in schools and in institutional or other care;**

(d) **Ensure that professionals working for and with children, including teachers, social workers, health care professionals, police and the judiciary) receive training on appropriate actions in suspected cases of child abuse and neglect; and**

(e) **Strengthen the psychological and legal support for children victims of child abuse and neglect.**

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

Children with disabilities

47. While welcoming the adoption of a number of strategies for the social integration of children with disabilities the Committee is deeply concerned at the societal discriminatory attitudes faced by these children.. Furthermore, the Committee is concerned at the lack of statistical data on children with disabilities. While noting that the situation in the institution “Komanski Most” has been addressed to a certain degree, through the State party’s efforts to provide services for children in separate buildings, the Committee is concerned that children with disabilities are still placed in the institution for adults. The Committee is also concerned at the persisting shortage of resources for the development of educational, social and health services for children with disabilities and their families and at the shortage of early intervention services for these children.

48. The Committee recommends that the State party, 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 general comment No. 9 (CRC/C/GC/9) on the rights of children with disabilities, take all necessary measures to:

- (a) Undertake long-term awareness raising programmes in order to change and combat negative societal attitudes prevailing against children with disabilities;
- (b) Collect adequate statistical data on children with disabilities;
- (c) Develop a comprehensive national policy on disability, which promotes the full enjoyment of all human rights and fundamental freedoms by all children with disabilities, with special focus on deinstitutionalization and the right to live in their families and communities;
- (d) Provide children with disabilities and their families with adequate support, including access to social protection to allow them to remain within their families;
- (e) Expand, as indicated by the State party, the network of Day Care Centers for Children with Disabilities who cannot be integrated into the regular educational system;
- (f) Establish a monitoring system for residential care institutions which closely examines the rights of children with disabilities, as well as ensure that monitoring incorporates concrete steps to follow up recommended actions, and favours the participation of civil society organizations;
- (g) Provide training for professional staff working with children with disabilities, such as teachers, social workers and medical, paramedical and related personnel;
- (h) Continue its efforts to include children with disabilities in the general school system, provide the needed personnel and material resources to the schools in which these children are enrolled and reduce the number of schools for children with special educational needs to the unavoidable minimum; and
- (i) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based early intervention and rehabilitation programmes, including parent support groups.

Health and health services

49. While noting the health reform underway since 2003, the Committee is concerned at the overall insufficient quality of health services, including the low quality of care in health facilities. Furthermore, the Committee is concerned at limited and inequitable access to adequate health-care services outside the capital and that this especially affects Roma, refugee children and children with disabilities.

50. The Committee recommends that the State party:

- (a) Increase efforts to improve sanitation and quality of care in health facilities;
- (b) Address inequalities in access to health services through, inter alia further development of primary health care services and by implementing a coordinated approach across all government departments, including better coordination between health policies and those aimed at reducing poverty and social exclusion;
- (c) Develop a comprehensive programme to improve mother and child health, including through basic health care services for the most vulnerable children, in particular for Roma children, children living in rural areas and refugee children; and

(d) Continue to seek cooperation from UNICEF and WHO in its efforts to improve the health situation of children.

Breastfeeding

51. The Committee is concerned about the low rate of exclusive breastfeeding in the State party, and that the State party has not incorporated the International Code of Marketing of Breast-milk Substitutes into national legislation.

52. The Committee recommends that the State party enhance its efforts to promote exclusive breastfeeding practices and enact legislation implementing the provisions of the International Code of Marketing of Breast-milk Substitutes.

Adolescent health

53. The Committee is concerned at the high number of teenage pregnancies and abortions, the lack of information provided on child and adolescent mental health services and the increasing incidence of drug, tobacco and alcohol use among children. Furthermore, the Committee is concerned at the lack of training provided to health professionals on health promotion and involvement of NGOs in that regard.

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

(a) Adopt standards for adolescent friendly health services and a comprehensive strategy for the implementation and monitoring of these services;

(b) Provide adolescents with appropriate reproductive health services, including reproductive health education, in school in order to reduce the number of teenage pregnancies, and develop adolescent-friendly programmes to assist teenage mothers and their children;

(c) Strengthen training, in collaboration with NGOs, of general practitioners, nurses, social workers and other primary-care workers in the field of health promotion, including healthy lifestyles and emotional well-being of adolescents, with a view to improving the capacity and quality of health professionals in the country;

(d) Develop a comprehensive mental health policy, including mental health promotion outpatient and inpatient services for adolescents with mental health disorders, as well as programmes to support families with children at risk; and

(e) Address the incidence of drug, tobacco and alcohol use among children by, inter alia, providing children with accurate and objective information about substance use, including tobacco use and improve access to rehabilitation services.

HIV/AIDS

55. The Committee is concerned that the general knowledge about HIV/AIDS, particularly among Roma girls, is very low.

56. The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, strengthen its preventive efforts by conducting campaigns and educational programmes, particularly within schools, in order to raise awareness on STIs, including HIV/AIDS, as well as on prevention methods.

Standard of living

57. While welcoming the plans and strategies in place to reduce poverty, the Committee is deeply concerned at the low standard of living of a large percentage of children and their families, affecting in particular Roma, Ashkali and Egyptian children, who are living in poverty and social isolation and are deprived of equal opportunities and access to essential services.

58. The Committee recommends that the State party:

(a) **Pay particular attention to children when drafting plans and strategies to reduce poverty;**

(b) **Take steps to improve the standard of living of families with children, in particular of those living below the poverty line and take all necessary measures to make adequate housing, sanitation and infrastructure available for all families including for low-income and large families and Roma, Ashkali and Egyptian; and**

(c) **Reinforce its efforts to alleviate poverty and ensure support and material assistance, with particular focus on the most marginalized and disadvantaged children 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)

Education, including vocational training and guidance

59. While welcoming the State party's education reform, as well as the efforts undertaken to better integrate Roma children in mainstream schools as well as the Strategy for inclusive education adopted in 2008, the Committee is concerned at the limited achievements reached through these measures. The Committee is particularly concerned at:

(a) The low quality of education, including poor school equipment and the low teacher/pupil ratio;

(b) Hidden expenses resulting from the purchase of textbooks and school accessories;

(c) The barriers to accessing education for children lacking birth registration and identity documents, Roma children and children with disabilities;

(d) The large number of Roma, Ashkali and Egyptian children that are still not enrolled in schools, have lower school attendance rates and have a high drop-out rate;

(e) The lack of data on education;

(f) The prevalence of violence in schools; and

(g) The low availability of holistic early childhood development and education, facilities and institutions.

60. The Committee recommends that the State party:

(a) **Increase the quality of schools, in particular by introducing interactive teaching methods, better equipment of schools, increasing the teacher/pupil ratio, teacher training and in-service training and active involvement of teachers in reform processes;**

(b) **Ensure that education is also de facto free of charge;**

(c) Undertake immediate measures to ensure that children are not denied access to education on any grounds;

(d) Strengthen its efforts to integrate Roma, Ashkali and Egyptian children into the general school system by enhanced teacher training, curriculum revisions and appropriate teaching and learning methods as well as intensified parental education and participation;

(e) Undertake measures to effectively address the comparatively higher drop-out rates among Roma children and ensure that Roma children are adequately prepared for higher education and vocational training;

(f) Collect adequate statistical data on education;

(g) Continue to implement prevention programmes in order to promote non violent relations and to end violence in schools; and

(h) Raise awareness with respect to pre-schools and early-learning opportunities by taking into account the Committee's General Comment No. 7 (2005) on implementing child rights in early childhood (CRC/C/GC/7/Rev.1).

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

Asylum-seeking and refugee/displaced children

61. The Committee welcomes the Law on Asylum adopted in 2006 and the Action Plan (Action Plan for Resolution of the Status of Displaced Persons from the Former Yugoslav Republics and of the Status of Internally Displaced Persons from Kosovo and Montenegro) adopted in 2009 improving the access to civil registration of refugee children. However, the Committee is concerned that the Law on Asylum and the Action Plan are not fully implemented. In addition the Committee is concerned at the high number of refugee children within the State party who are at risk of statelessness due to the lack of birth and citizenship certificates, which limits their access to basic services.

62. The Committee recommends that the State party establish a clear legal framework, including by reviewing the Law on Asylum governing the treatment of asylum-seeking children and to strengthen the implementation of the Action Plan in order to ensure that all children, are fully registered and effectively benefit from the social protection system.

Economic exploitation including child labour

63. The Committee is concerned that there are children who have the right to special protection measures, especially Roma, Ashkali and Egyptian children, engaged in harmful and exploitative labour, particularly in begging.

64. The Committee recommends that the State party monitor the situation, in collaborate with ILO, of children involved in all forms of economic exploitation, including child labour in particular within the informal sector, work on the streets and domestic work, in order to develop strategies to strengthen awareness, prevention and assistance programmes and eliminate such practices. The Committee further recommends the State party to take measures to ensure effective implementation of the ILO Conventions No. 138 and No. 182, which the State party has ratified.

Children in street situations

65. While noting the information provided by the State party during the dialogue to address the issue of children in street situations, it is concerned at the high number of children, predominantly Roma, living and working on the streets and that these children are especially vulnerable to trafficking and economic and sexual exploitation. Furthermore, the Committee is deeply concerned that children in street situation are often treated as offenders.

66. The Committee urges the State party, in collaboration with NGOs:

(a) To provide protection and assistance to children currently living on the streets taking into account the views of these children;

(b) To elaborate and implement programmes, on the basis of in-depth studies and analysis of the root causes, in order to prevent children from leaving families and schools for the street;

(c) To set up programmes providing children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation, and on adequate complaints mechanism; and

(d) To ensure that children in street situations are not considered or treated as offenders.

Sexual exploitation and abuse

67. The Committee is concerned at the rise in rates of children who are subjected to sexual exploitation and abuse and that only a negligible number of cases reach the courts.

68. The Committee recommends the State party to:

(a) Increase its awareness raising campaigns and public education on sexual exploitation, prostitution and child abuse for children, their families, communities and the public at large and ensure the recognition of the gender perspective in these campaigns and in public education;

(b) Take measures to prosecute perpetrators of sexual exploitation of children and child abuse;

(c) Implement appropriate policies and targeted programs 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, 2001, 2008 World Congresses against Sexual Exploitation of Children; and

(d) Ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 2007.

Sale, trafficking and abduction

69. While noting the legislative efforts undertaken in order to combat trafficking in persons, as well as the Action Plan for the implementation of the National Strategy to Fight Human Trafficking 2010-2011 the Committee remains concerned at the prevalence of national and cross-border trafficking especially of Roma children and refugee children and that implementation of legislation in practice remains a problem.

70. The Committee encourages the State party by taking into account the Committee's concluding observations on the Optional Protocol to the Convention on the rights of the child on the Sale of Children, Child Prostitution and Child Pornography :

(a) To strengthen its awareness-raising campaigns including through education and media campaigns, by paying particular attention to vulnerable groups of children;

(b) To strengthen protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid; and

(c) To enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children.

Helpline

71. While noting that the State party and a number of NGOs have carried out parallel projects to provide helplines which focus on very specific issues, the Committee regrets the absence of a helpline covering all the areas of the Convention and the Optional protocols.

72. The Committee recommends that the State party establish in cooperation with NGOs, a toll-free, 24-hour helpline for children, by allocating it with adequate resources, a six-digit European harmonised number, having the capacity to receive calls from all telecom operators and dealing with all the areas of the Convention. It recommends that the State party recognise this helpline as a source of information and data for policy and legislation on children's rights, and as a tool for early intervention and prevention and ensure that children are aware of, and can access this helpline and provide the adequate follow-up.

Administration of juvenile justice

73. While noting the efforts undertaken by the State party in order to bring legislation in the area of Juvenile Justice in compliance with the Convention and international standards, the Committee is concerned that the draft Juvenile Justice Law is still pending before parliament. While further noting that there is a small percentage of children in conflict with the law within the State party, the Committee is concerned that children in conflict with the law are often treated under the same laws and procedures applicable for adults, at the lack of a separate system of juvenile justice and that children are detained in the same facilities as adults.

74. The Committee recommends that the State party take prompt measures to fully bring the system of juvenile justice in line with the Convention, in particular articles 37(b), 40 and 39, as well as 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), United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 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 and the recommendations of the Committee's general comment No. 10 (CRC/C/GC/10) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party:

(a) Speedily adopt the Draft Law on Juvenile Justice and take the necessary measures in order to implement it;

(b) Urgently set up a separate, adequate system of juvenile justice, including juvenile courts with specialized judges for children;

(c) Ensure the separation of children and adult offenders;

(d) Use deprivation of liberty, including placement in correctional-educational institutions, as a means of last resort and, when used, regularly monitor and review it taking into account the best interests of the child;

(e) Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them;

(f) Focus on strategies to prevent crimes in order to support children at risk at an early stage;

(g) Continue to ensure training for all judges and all law enforcement personnel who come into contact with children from the moment of arrest to the implementation of administrative or judicial decisions taken against them;

(h) Ensure independent monitoring of detention conditions; and

(i) Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and by its members, which include UNODC, UNICEF, OHCHR and NGOs.

75. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

9. Follow-up and dissemination

Ratification of international human rights treaties

76. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention on the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Follow-up

77. 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 Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

Dissemination

78. The Committee recommends that the initial report and written replies submitted by the State party and related concluding observations and recommendations 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, media and other professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

79. The Committee invites the State party to submit its combined second and third periodic report by 1 October 2015. The Committee draws attention to its Harmonized Treaty Specific Reporting Guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit their report in accordance with the reporting guidelines. Should a report exceeding the page limitations be submitted, the State party will be asked to review and eventually resubmit their report in accordance with the above mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

80. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonized Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.
