

CHILE

CRC A/51/41 (1996)

5. Concluding observations: Chile

120. The Committee considered the initial report of Chile (CRC/C/3/Add.18) at its 146th to 148th meetings (CRC/C/SR.146-148), on 14 and 15 April 1994 and adopted, at its 156th meeting, on 22 April 1994, the following concluding observations.

(a) Introduction

121. The Committee commends the State party for its comprehensive report, which has been prepared in conformity with the Committee's guidelines and reflects a forward-looking strategy, and for the submission of detailed written replies to its list of issues. It notes with satisfaction that the detailed additional information provided by the delegation and its involvement in national policies concerning children made it possible to engage in an open and constructive dialogue with the State party.

122. The Committee also notes with satisfaction that the report submitted by the State party is the result of a wide consultation, at the national level, between the public authorities and the non-governmental coalition on the rights of the child.

(b) Positive factors

123. The Committee welcomes the fact that the Convention on the Rights of the Child is self-executing in the State party and that its provisions may be, and in practice have been, invoked before the courts.

124. The Committee welcomes the measures undertaken by the Government of Chile in order to promote and to protect the rights of the child in accordance with the standards set forth in the Convention as well as the dynamic and self-critical approach of the Chilean Government towards its implementation.

125. It notes the adoption by the Government of Chile of the National Plan of Action in Favour of Children and the readiness of the Government to cooperate with all interested parties, both nationally and internationally, in implementing it.

126. The Committee also notes that during the period under review important steps have been undertaken at the legislative level with a view to harmonizing the national legislation with the provisions of the Convention, as well as establishment of monitoring mechanisms including the National Service for Minors (SENAME), a public service under the Ministry of Justice charged with assisting and protecting children and young people in particularly difficult circumstances.

127. The Committee also notes with satisfaction the priorities set by the Government and its serious efforts to face existing social problems, including in the fields of health and education, as well as to ensure the protection of the rights of disabled children.

128. The Committee welcomes the statement by the delegation of the State party that the Government of Chile is considering ratifying the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

(c) Factors and difficulties impeding the application of the Convention

129. The Committee notes that poverty, in spite of efforts by the Chilean Government, has affected a large number of children and has a constraining influence on the implementation of the provisions of the Convention.

130. The Committee further recognizes that the democratic Government has faced the need for major legal and administrative reforms in the aftermath of the period of non-democratic rule. The demands in the area of rehabilitation and social reintegration have also been considerable, not least in regard to children.

(d) Principal subjects of concern

131. The Committee is concerned with the fact that the decentralization process might lead to a deterioration in the quality of and effective access to health services and education, in particular for the most vulnerable groups of children.

132. The Committee expresses its concern at the existing geographical and social disparities in the enjoyment of the rights provided for under the Convention.

(e) Suggestions and recommendations

133. The Committee recommends that special efforts should be made by the Government to harmonize fully the existing legislation with the provisions of the Convention, as well as to ensure that the best interests of the child, as stipulated in article 3 of the Convention, is a primary consideration in all actions concerning children, including those undertaken by Parliament.

134. The Committee recommends that an overall national mechanism be set up with the mandate to assure continuing supervision and evaluation throughout the country of the implementation of the Convention, which is particularly important within the context of the realization by the Government of the decentralization programme.

135. The Committee recommends that the Government of the State party consider pursuing the measures adopted to fight situations of child ill-treatment. It stresses the importance of ensuring training activities for the professional groups concerned, as well as of developing mediation measures.

136. The Committee also recommends that a legal system of administration of juvenile justice be

established in the light of the principles and provisions of the Convention, in particular articles 37 and 40, as well as other relevant United Nations standards, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Such a legal system should also address the important question of the minimum age of criminal responsibility, particularly in the light of the best interests of the child. In this respect, the Committee draws the attention of the State party to the availability of the programme of advisory services and technical assistance of the Centre for Human Rights.

137. Finally, the Committee recommends that the provisions of the Convention should be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, the staff in correctional facilities, judges and members of other professions who are concerned with the implementation of the Convention. The Committee particularly recommends that, in accordance with article 44, paragraph 6, of the Convention, the report submitted by the Chilean Government, the written replies to the Committee's list of questions, as well as the summary records of the consideration of the report and the Committee's concluding observations be made widely available to the public at large. In the same spirit, the Committee expresses the hope that the present concluding observations will inspire an open debate at the national level on the policies in the field of the rights of the child, including at the parliamentary level.

CRC CRC/C/114 (2002)

325. The Committee considered the second periodic report of Chile (CRC/C/65/Add.13), submitted on 10 October 1999, at its 763rd and 764th meetings (see CRC/C/SR.763-764), held on 23 January 2002, and adopted at its 777th meeting (CRC/C/SR.777), held on 1 February 2002, the following concluding observations.

A. Introduction

326. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and of the written replies to its list of issues (CRC/C/Q/CHI.2) which, although submitted late, provides a comprehensive picture of the situation of children in Chile. It welcomes the large high-ranking delegation representing different departments and sectors sent by the State party and the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

327. The Committee notes with satisfaction that, in line with its previous recommendation (CRC/C/15/Add.22 of 25 April 1994, para.14), the State party adopted a number of laws in order to further bring domestic legislation into conformity with the provisions of the Convention, including the Adoption Law of 1999, legislation ending discrimination against children born out of wedlock and recognizing extramatrimonial filiation, legislation against the abduction of children and their illegal transfer abroad, amendments to the Criminal Code, the Code of Criminal Procedure and other legislation in matters connected with child sexual offences, and a series of laws designed to punish all forms of child abuse and family violence.

328. The Committee welcomes the adoption in April 2001 of the National Policy in favour of Children and Adolescents and the Integrated Plan of Action for 2001-2010. It further notes with satisfaction that Regional Plans for Children and Adolescents were developed in all regions and that, at the local level, a Network of Municipalities for Children was established in 1994 and a working group coordinated by the Ministry of Planning and Cooperation (MIDEPLAN) was set up in 1996 to improve the coordination between the public and the private bodies supporting the municipalities and communes in their work for children.

329. The Committee notes with satisfaction the establishment in 1995 of the National Committee against Child Abuse and in 1996 of the National Advisory Committee for the prevention and eradication of child labour, set up also at the regional level. It further welcomes the establishment of offices for the protection of children's rights, which will provide services for vulnerable children at the local level.

330. The Committee welcomes the announcement by the State party delegation that the Chilean National Congress has authorized the ratification of the Optional Protocols to the Convention on the

Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. It further notes with appreciation that the State party has ratified 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 and that, in compliance with ILO Convention No. 138, it has amended the Labour Code in order to increase the minimum age for admission to employment from 14 to 15 years of age. The Committee also welcomes the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

C. Factors and difficulties impeding progress in the implementation of the Convention

331. The Committee acknowledges that the State party is facing many difficulties in the implementation of the Convention, in particular due to the continuing structural problems, income and social disparities among households and poverty affecting nearly one out of three children. It further notes the persistence of authoritarian and paternalistic attitudes towards children, in particular poor ones, which may affect the rights-based approach promoted by the Convention.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

332. The Committee notes with concern that the Juvenile Act of 1967, which is based on the doctrine of “irregular situation” and thus does not make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, is still in force. It further notes that two draft laws intended to reform the Juvenile Act, one on the protection of children who need assistance and the other on children in conflict with the law, have been under preparation since 1994 but have not been introduced yet before Parliament.

333. The Committee, in line with its previous recommendation (CRC/C/15/Add.22 of 25 April 1994, para. 14), recommends that the State party:

- (a) Take all the necessary measures for the adoption without delay of the laws amending the Juvenile Act of 1967;
- (b) Ensure the full implementation of the amended Juvenile Act in compliance with the Convention, paying particular attention to the need for adequate structures by allocating the necessary human and financial resources;
- (c) Seek technical assistance from, among others, UNICEF.

Coordination

334. The Committee, while acknowledging the efforts made by the State party in improving

coordination by establishing in 1997 an inter-ministerial working group on children, remains concerned at the inadequate coordination between government agencies, both at national and local levels, and with civil society. It further notes that the National Policy in favour of Children and Adolescents and the Integrated Plan of Action for 2001-2010 are not disseminated enough within the country, especially at local level.

335. The Committee recommends that the State party:

- (a) Strengthen coordination between the various governmental bodies and mechanisms involved in children's rights at both the national and local levels, in line with its previous recommendation (ibid., para. 15), and with NGOs and other sectors of civil society;
- (b) Ensure the full dissemination and implementation, especially at local level, of the National Policy for Children and Adolescents and the Integrated Plan of Action for 2001-2010;
- (c) Incorporate the current concluding observations of the Committee in the national and regional plans of action for children.

Monitoring

336. The Committee, while acknowledging that the Presidential Advisory Council de facto receives and handles individual complaints concerning violations of human rights, expresses its concern that an overall national mechanism with the mandate for continuing supervision and evaluation throughout the country of the implementation of the Convention, as previously recommended (ibid.), was not set up.

337. The Committee encourages the State party to establish an independent and effective mechanism in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), provided with adequate human and financial resources and easily accessible to children, that:

- (a) Monitors the implementation of the Convention;
 - (b) Deals with complaints from children in a child-sensitive and expeditious manner; and
 - (c) Provides remedies for violations of their rights under the Convention.
- In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Budgetary allocations

338. The Committee expresses its concern that there is no integrated budget for children and that budgetary allocations for children are still insufficient to respond to national and local priorities for the promotion and protection of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children. Further, it notes with

deep concern that, according to data provided in the State party's report, one third of children in Chile live in poverty.

339. In light of article 4 of the Convention, the Committee encourages the State party:

(a) To continue its efforts to reduce poverty and its impact on children, including by strengthening its income redistribution policies in favour of families living in extreme poverty;

(b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation" for the full implementation of the economic, social and cultural rights of children, in particular with respect to local governments and for children belonging to the most vulnerable groups in society; and

(c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children.

Data collection

340. The Committee, while acknowledging that the National Survey on Socio-Economic Characteristics (CASEN) takes place in Chile every two years, expresses its concern that the Survey is based mainly on surveys and does not include all the areas covered by the Convention.

341. The Committee recommends that the State party improve its system of data collection with a view to incorporating all the areas covered by the Convention. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Dissemination

342. The Committee, while acknowledging that there have been efforts to disseminate the Convention during the process for the development of regional plans for children and to train professionals working with and for children in line with its previous recommendation (ibid, para. 18), nevertheless expresses its concern that these measures need to be strengthened, in particular in rural areas and among indigenous children.

343. The Committee recommends that the State party:

(a) Increase its efforts to translate informative material into the main indigenous languages and disseminate it;

(b) Develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters, in particular at local level, and through media;

(c) Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, such as judges,

lawyers, law enforcement and health personnel, teachers and school administrators;

(d) Debate and discuss the principles and provisions of the Convention with a view to integrating them into the curricula at all levels of the educational system; and

(e) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

Cooperation with NGOs

344. The Committee, while noting examples of collaboration between governmental institutions and non-governmental organizations, e.g. in the preparation of the National Policy in favour of Children and Adolescents and the Integrated Plan of Action for 2001-2010 and of the State party's second periodic report, nevertheless notes that cooperation with non-governmental organizations should be further promoted and reinforced.

345. The Committee recommends that the State party promote closer cooperation and active dialogue in all matters concerning children with non-governmental organisations, in particular in the area of implementation of the National Policy in favour of Children and Adolescents and the Integrated Plan of Action for 2001-2010.

2. Definition of the child

346. The Committee expresses its concern at the low minimum age for marriage (12 years of age for girls and 14 for boys with the parents' consent), although this provision is outdated and not implemented in practice. It further notes that the Committee's previous recommendation on addressing the question of the minimum age of criminal responsibility (*ibid.*, para. 17) was not implemented.

347. The Committee recommends that the State party review its legislation with a view to making the minimum age for marriage of girls the same as that for boys and to bring it into full conformity with the provisions and principles of the Convention, and to setting a minimum age for criminal responsibility.

3. General principles

348. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3), right to life, survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

349. The Committee reiterates its previous recommendation (*ibid.*, para. 14) that the State party:

(a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

350. The Committee, while noting the development of the National Plan to Overcome Discrimination in Chile 2001-2006, is concerned that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups, poor children, girls, children with disabilities and children living in rural areas, especially with regard to their access to adequate health care and educational facilities.

351. The Committee recommends that the State party:

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination, including racial and xenophobic discrimination against indigenous children, and implement the National Plan to Overcome Discrimination in Chile 2001-2006.

352. 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, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

Respect for the views of the child

353. The Committee notes with concern that, due to traditional and paternalistic attitudes still widespread in the country, children are not encouraged to express their views and that, in general, their views are not heard nor given due weight in decisions affecting them in the family, at school, in the community and in social life at large. In particular, it notes with deep concern that, according to article 30 of the Juvenile Act, the juvenile judge may impose a protection measure on children without summoning them to appear when the case does not constitute a crime, ordinary offence or minor offence.

354. In light of articles 12 to 17 of the Convention, the Committee recommends that the State party undertake measures in order to take into account the views of children, in accordance with the concept of their evolving capacities, in all matters affecting them, in particular in judicial and administrative proceedings, and integrate this principle in the new legislation and in policies and programmes affecting children, including the National Policy. It encourages the State party to seek

technical cooperation from, among others, UNICEF.

4. Civil rights and freedoms

Corporal punishment

355. The Committee is concerned that corporal punishment of children remains socially acceptable in Chile and it is still practised in families and in schools and other institutions. It further notes that Chilean legislation does not expressly prohibit corporal punishment.

356. In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party:

- (a) To develop measures to raise awareness of the harmful effects of corporal punishment and to encourage alternative forms of discipline in families administered in a manner consistent with the child's dignity and in conformity with the Convention; and
- (b) Explicitly prohibit corporal punishment in the family and in schools and other institutions.

5. Family environment and alternative care

Parental responsibilities

357. The Committee is concerned that the system of assistance to parents and legal guardians in the performance of their child-rearing responsibilities is still insufficient, in particular with respect to single-parent families, and that a significant number of children are put in institutions because of the bad economic situation affecting the family.

358. In light of article 18 of the Convention, the Committee recommends that the State party continue to improve social assistance to families to support them in their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care.

Children deprived of family environment

359. While noting that there are plans to reform the National Service for Minors (SENAME), the Committee notes with concern that at present SENAME is still in charge of both children in need of care and protection as well as those in conflict with the law, and that social services need to be more decentralized. Further, it notes that a bill for the establishment of family courts has been before Congress since 1997.

360. The Committee recommends that the State party:

- (a) Establish two clearly separated systems (in terms of administration and implementation) for children in need of care and protection and for children in conflict with the law, by adopting the two

draft laws, one on the protection of children who need assistance and the other on children in conflict with the law, intended to reform the 1967 Juvenile Act;

(b) Create and strengthen adequate and decentralized structures by providing enough human and financial resources; and

(c) Take measures to establish family tribunals.

Abuse and neglect

361. The Committee is deeply worried about the report it has received on the widespread practice of child abuse within the family and in institutions, including those run by SENAME. It is concerned at the lack of data and information on child abuse and neglect, at the inadequacy of measures, mechanisms and resources to prevent and combat physical and sexual abuse and neglect of children, including the institutionalization of child victims of abuse, and at the limited number of services for abused children, in particular in rural areas.

362. In light of article 19 of the Convention and in line with its previous recommendation (*ibid.*, para. 16), the Committee recommends that the State party:

(a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, within the family and in institutions in order to assess the extent, scope and nature of these practices;

(b) Adopt as soon as possible and implement effectively the draft National Service for the Protection of Children's Rights Act, and in that regard provide the new institution with adequate human and financial resources;

(c) Ensure that there are clear and well-publicized procedures to enable children to make complaints about their treatment to an independent body with appropriate powers of investigation and action;

(d) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse, within the family and in institutions within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy;

(e) Do the utmost to avoid institutionalization of child victims of abuse;

(f) Take measures to provide 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 and violence, in accordance with article 39 of the Convention;

(g) In light of article 25 of the Convention, ensure that children placed in institutions and other forms of alternative care are regularly monitored and supervised;

(h) Take into account the Committee's recommendations adopted at its days of general discussion

on violence against children within the family and in schools (see CRC/C/111) and on State violence against children (see CRC/C/100);

(i) Seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Health and health services

363. While noting the decrease in the infant and child mortality rates and the reform process which has been under way since the early 1990s, the Committee is nevertheless concerned at the great disparities existing within these rates, in particular with regard to indigenous children, those living in rural areas, those with a lower socio-economical origin and those with a mother with a low level of education. It further notes that maternal mortality rates may not reflect actual cases related to complications resulting from illegal abortions, in particular those affecting pregnant adolescents.

364. The Committee recommends that the State party:

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary health care and decentralizing the health-care system;

(b) In order to prevent child mortality and morbidity and lower the maternal mortality rate, provide adequate antenatal and postnatal health-care services and develop campaigns to inform parents about basic child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health, especially in rural areas.

Adolescent health

365. While noting the development of a National Policy for Adolescent Health in 1999, the Committee is concerned at the limited availability of programmes and services in the field of adolescent health, including mental health, especially in rural areas, and the lack of sufficient prevention and information programmes in schools. Further, it expresses its concern about the high rates of early pregnancy and the lack of information, counselling and preventive programmes on reproductive health, including the lack of adequate access to contraceptives, in particular in rural areas. It also notes the rise in the number of children and youths using drugs, and the growing number of cases of HIV/AIDS among the youth.

366. The Committee recommends that the State party:

(a) Implement in an effective way the National Policy for Adolescent Health, especially in rural areas, and increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools;

(b) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS, and continue to develop adequate policies and programmes;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Children with disabilities

367. The Committee expresses its concern at the inefficiency of projects financed by the National Fund for Disability, owing to inadequate funds and modalities. The Committee is also concerned at the general lack of resources and specialized staff for these children, especially the ones with mental disabilities, in particular in rural areas and for indigenous children. Further, it expresses its concern at the low proportion of children with disabilities enrolled in regular schools.

368. In light of article 23 of the Convention, the Committee recommends that the State party:

(a) Undertake studies to determine the causes of and ways to prevent disabilities in children;

(b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and needs effectively;

(c) Conduct public awareness campaigns in all languages, in particular indigenous ones, to raise awareness of the situation and the rights of children with disabilities;

(d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

(f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible;

(g) Seek technical assistance and international cooperation from, among others, UNESCO, UNICEF and WHO.

7. Education, leisure and cultural activities

Education

369. The Committee, while noting the increase in the school attendance rate, expresses its concern at the difficult access to education, high drop-out and repetition rates which affect in particular indigenous children, poor children and the ones living in rural areas; the low enrolment rate for pre-school education; the low rate of children reaching secondary education and the treatment of children with behavioural problems. It further notes with concern the important number of pregnant children who are excluded from school and that government measures to avoid this situation are not implemented, especially in private schools.

370. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

- (a) Ensure regular attendance at school and the reduction of drop-out rates, especially with regard to indigenous children;
- (b) Develop appropriate measures to deal with children with behavioural problems without resorting to expulsion from school;
- (c) Ensure that measures are effectively implemented in order for pregnant girls to continue attending school both during and after their pregnancy;
- (d) Improve the quality of education in order to achieve the goals mentioned in article 29 (1), in line with the Committee's general comment No. 1 on the aims of education.

8. Special protection measures

Refugee children

371. The Committee notes with concern that the Chilean legislation does not regulate the status of non-accompanied children, who are therefore considered stateless.

372. The Committee recommends that the State party:

- (a) Take measures to prevent unaccompanied children from statelessness;
- (b) Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

Economic exploitation

373. The Committee, while noting that the State party has ratified 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 and increased the minimum age for admission to work to 15, expresses its deep concern at the large number of children, including those under 15, who are exploited economically, especially in the farming sector, and the large number who have to leave school because they cannot conciliate work and school.

374. In light of article 32 of the Convention, the Committee recommends that the State party:

- (a) Continue to enforce and strengthen its legislation protecting working children in accordance with ILO Conventions Nos. 138 and 182;
- (b) Implement and monitor the National Plan to Prevent and Eradicate Child Labour;
- (c) Establish a reliable system to gather information on child labour;
- (d) Combat and eradicate as effectively as possible all forms of child labour, including by strengthening its cooperation with ILO/IPEC and UNICEF.

Sexual exploitation

375. The Committee, while taking note of the establishment of a working group to prepare a plan of action against commercial sexual exploitation of children, expresses its concern that, with regard to the phenomenon of commercial sexual exploitation of children, there are no data available, legislation is inadequate, cases involving sexually exploited children are often not investigated and prosecuted, child victims are registered and therefore may be subjected to criminalization, and social reintegration programmes are not available. It further notes that prostitution of boys is on the rise.

376. In light of article 34 of the Convention, the Committee recommends that the State party:

- (a) Undertake a study on this issue in order to assess its scope and causes, enable effective monitoring of the problem and develop all necessary measures and programmes to prevent, combat and eliminate sexual exploitation and abuse of children, including by developing social reintegration programmes;
- (b) Decriminalize prostitution of children and protect children from commercial sexual exploitation up to the age of 18;
- (c) Develop and adopt a national plan of action against sexual and commercial exploitation of children, taking into account 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
- (d) In this regard, seek international cooperation from, among others, UNICEF, ILO and WHO.

Juvenile justice

377. The Committee reiterates its concern that the Juvenile Act of 1967, based on the doctrine of “irregular situation”, which does not make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, is still in force. It also notes with concern that detention is not used as a last resort, especially in the case of children who are poor and socially disadvantaged, and that often children are detained in detention centres for adults. The Committee further expresses its concern at the fact that the criminal law and procedure for adults can be applied also to children aged between 16 and 18 who acted with discernment and that the Committee’s previous recommendation on addressing the question of the minimum age of criminal responsibility (*ibid.*, para. 17) was not implemented.

378. In line with its previous recommendation (*ibid.*, para. 17), the Committee recommends that the State party:

(a) Expedite the adoption of the draft law on children in conflict with the law and increase the budget allocations for the administration of juvenile justice;

(b) Address the question of the minimum age of criminal responsibility in light of article 40, paragraph 3 (a);

(c) Continue reviewing laws and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such 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);

(d) Ensure that all persons under 18 benefit from special protection measures in the field of administration of juvenile justice;

(e) Use pre-trial detention only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law and ensure that children are separated from adults in every case;

(f) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(g) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;

(h) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment;

(i) Take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system;

(j) Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Dissemination of documents

379. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.