

## GABON

### CRC CRC/C/114 (2002)

177. The Committee considered the initial report of Gabon (CRC/C/41/Add.10), received on 21 June 2000, at its 756th and 757th meetings (see CRC/C/SR.756-757), held on 17 January 2002 and adopted, at the 777th meeting (CRC/C/SR.777), held on 1 February 2002, the following concluding observations.

#### A. Introduction

178. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/GAB/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the constructive dialogue it had with the delegation of the State party. The Committee acknowledges that the presence of a high-ranking and large delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

#### B. Positive aspects

179. The Committee welcomes the adoption of:

- (a) The Ordinance on Health Policy (Ordinance No. 001/95 of 14 January 1995);
- (b) The Act on social welfare for disabled children (Act No. 919/95 of 3 July 1996);
- (c) The Act on general organization of education (Act No. 016/96 of 9 August 1996);
- (d) The Act on the status of refugees (Act No. 005/98);
- (e) The Act on general measures for health and social welfare which abrogates Ordinance 64/69, which prohibited contraceptives (Act No. 001/2000);
- (f) The Act enacted in 2001 which establishes the offence of trafficking of children;
- (g) The 20/20 initiative for budgeting;
- (h) The national Plan of Action against Poverty; and
- (i) The Children's Parliament.

180. The Committee also welcomes the ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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

181. The Committee acknowledges that the external debt and the limited availability of skilled human resources have had a negative impact on the social welfare and on the situation of children and have impeded the full implementation of the Convention. Furthermore, the coexistence of customary law and statutory law does affect the implementation of the Convention in the State party where traditional practices are not conducive to children's rights.

### D. Principal subjects of concern and recommendations

#### 1. General measures of implementation

##### Legislation

182. The Committee notes that new laws have been adopted by the State party to harmonize the existing legislation with the Convention and welcomes the comparative study of national laws, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child that was carried out in 1998, but the Committee remains concerned at the weak implementation of legislation and at the fact that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention.

183. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:

- (a) Undertake all steps to harmonize existing legislation, including customary law, with the Convention on the Rights of the Child;
- (b) Consider the adoption of a comprehensive children's code which will reflect the general principles of the Convention on the Rights of the Child;
- (c) Ensure the implementation of its legislation;
- (d) Ratify the African Charter on the Rights and Welfare of the Child.

##### Coordination

184. The Committee, noting the central role of the Ministry for Family in the implementation of the Convention but at the same time the fact that various other ministries are also involved in its implementation, is concerned at the lack of coordination of activities. The Committee is also concerned at the lack of coordination and implementation of programmes set up within international cooperation.

185. The Committee recommends that the State party take all necessary measures to establish an effective body or structure for the coordination of the implementation of the Convention on the

Rights of the Child with adequate human and other resources and with the appropriate authority, and to develop a comprehensive plan of action. The Committee further recommends that the State party coordinate and implement programmes established within international cooperation.

#### Independent/monitoring structures

186. The Committee takes note of Decree No. 01037 of 7 November 2000 establishing a National Commission on Human Rights. The Committee also notes the information that the National Committee for Children under the authority of the Minister of Justice is, *inter alia*, in charge of monitoring the implementation of the Convention. The Committee is concerned at the lack of clarity of the role of the Commission and the Committee, which may hamper the effective monitoring of the Convention.

187. The Committee recommends that the State party:

(a) Expedite the activities aiming at the establishment of an office, e.g. within the National Commission on Human Rights, to effectively monitor and evaluate progress in the implementation of the Convention at the national and at the local level in accordance with the Principles relating to the status of national institutions (General Assembly resolution 48/134). This body should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and address them effectively;

(b) Continue efforts to develop good governance strategies and to combat corruption, especially in the social sector;

(c) Seek technical assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.

#### Resources for children

188. While noting the priority given by the State party to increasing the budget allocated to education and health, the Committee expresses its concern at the decrease of governmental funding of social services. The Committee is also concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of economic, social and cultural rights of children.

189. The Committee recommends that the State party:

(a) Develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children’s rights and to collect and disseminate information in this regard;

(b) Make every effort to increase the proportion of the budget allocated to the realization of children’s rights and, in this context, to ensure the provision of appropriate human resources, and to guarantee that the implementation of child policies are a priority.

### Data collection

190. While welcoming the publication of the Demographic and Health Survey in March 2001, the Committee is concerned at the lack of a systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

191. The Committee recommends that the State party:

(a) Develop a system of data collection and indicators consistent with the Convention disaggregated by gender, age, indigenous and minority groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect, or ill-treatment; children with disabilities; Pygmy children; and other children in need of special protection (see 8 below);

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

### Cooperation with civil society

192. Taking note of the Act on non-governmental organisations (Act No. 35/62), the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

193. The Committee recommends that the State party:

(a) Involve systematically communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes and with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs is fully implemented.

### Dissemination of training on the Convention

194. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention (e.g. radio programmes, seminars and workshops), the Committee is of the opinion that these measures really need to be strengthened and systematized. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

195. The Committee recommends that the State party:

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization;

- (b) Translate the Convention into major written national languages;
- (c) Involve systematically community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative measures of communication for illiterate people;
- (d) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;
- (e) Strengthen the focus on children's rights in the educational and advocacy role of the National Commission on Human Rights;
- (f) Introduce human rights education including the rights of the child, into the school curricula, beginning in primary schools;
- (g) Seek technical assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.

## 2. Definition of the child

196. The Committee is concerned at the difference between the minimum legal ages for marriage of boys (18 years) and girls (15 years), which is gender discriminatory and allows for the practice of early marriages.

197. The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving community leaders, and the society at large, including children themselves, to curb the practice of early marriage.

## 3. General principles

198. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3), survival and development (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.

199. The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare

institutions, courts of law and administrative authorities.

#### Non-discrimination

200. While noting that discrimination is prohibited under the Constitution (art. 2) and noting that the State party has taken measures to suppress discrimination against children born out of wedlock (article 671 of the Civil Code) and against disabled children (Act No. 19/95 of 13 February 1996), the Committee is concerned by the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups, such as girls, children with disabilities, children born out of wedlock, children living in rural areas and Pygmy children.

201. The Committee recommends that the State party:

- (a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and
- (b) Prioritize and target social services for children belonging to the most vulnerable groups.

202. 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

203. While welcoming the existence of a Children's Parliament, the Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in the courts, and before administrative authorities and in the society at large.

204. The Committee encourages the State party to pursue its efforts to:

- (a) Promote and facilitate within the family, the school, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, and in light of article 12 of the Convention;
- (b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and the society at large on children's rights to participate and to have their views taken into consideration;
- (c) Promote the activities and take duly into consideration the decisions of the Children's Parliament and take care that all groups of children are represented.

#### 4. Civil rights and freedoms

### Birth registration

205. While taking note of the obligation to register officially all births and the process of computerizing these registries, the Committee remains concerned at the large number of children whose birth is not being registered.

206. In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and consider facilitating procedures of birth registration.

### Torture and ill-treatment

207. The Committee is deeply concerned that torture is still used by law enforcement personnel during police investigation and in detention centres as mentioned in the State party's report (para. 159).

208. The Committee urges the State party to take all necessary measures:

- (a) To immediately put an end to these forms of torture or violence against children and to address their causes in order to prevent their recurrence;
- (b) To prevent cases of torture through, inter alia, the presence of social workers during investigations and in places of detention;
- (c) To establish an independent mechanism to investigate reports of torture and to bring to justice the persons responsible;
- (d) To adopt legislative measures for the fullest compensation and rehabilitation of child victims of torture;
- (e) To establish accessible and child-sensitive structures to receive and address complaints of children; and
- (f) To train systematically the police forces, prison staff and the judiciary on the human rights of children.

## 5. Family environment and alternative care

### Parental responsibilities

209. The Committee is concerned at the large number of single-parent families headed by women - many of them are not able to raise their children for financial reasons - and at the existence of polygamy which may, as acknowledged by the State party (para. 178 of its report), negatively affect the upbringing and development of the child.

210. The Committee recommends that the State party:

- (a) Take all necessary measures to provide assistance to single-parent families headed by women in order to support them in bringing up their children, in light of article 18 (2) of the Convention;
- (b) Undertake an in-depth and comprehensive study on the impact of polygamy with a view to finding out whether polygamy has negative consequences on the upbringing and development of the child and, on the basis of the results of this study, develop measures to address any negative impacts on the realization of the rights of the child within the family.

#### Recovery of maintenance

211. While domestic legislation includes provisions for maintenance allowance, the Committee is concerned at the lack of implementation of these provisions, due mainly to widespread ignorance of the law and at the lack of legal provisions regarding maintenance for children born out of wedlock and children from single parent families.

212. The Committee recommends that the State Party:

- (a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially to mothers who are illiterate, and support them if necessary in understanding legal actions;
- (b) Ensure that professional groups dealing with this issue are adequately trained and courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay; and
- (c) Take necessary measures to ensure as much as possible the maintenance of children born out of wedlock and children of single-parent families by their parents, particularly their fathers.

#### Children deprived of a family environment

213. The Committee is very concerned that current facilities available for the alternative care of children deprived of a family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee is concerned that children themselves are not heard prior to and during their placement. The Committee is also concerned at the complicated adoption procedure which may lead to practices that do not pay adequate attention to the best interests of the child.

214. The Committee recommends that the State party:

- (a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the introduction of effective legislation, the reinforcement of existing structures like the extended family, the improved training of staff, and the allocation of increased resources to relevant bodies;



- (b) Systematize the hearing of the views of the child concerning his/her placement;
- (c) Provide for regular periodic review of the placement of children in institutions;
- (d) Review and, if necessary, change its legislation on adoption in order to guarantee that the best interests of the child are fully taken into account as well as other relevant articles of the Convention;
- (e) Ratify the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption adopted in 1993 at The Hague; and
- (f) Seek assistance from UNICEF in this regard.

#### Protection from abuse and neglect

215. While noting that child abuse is criminalized under the Penal Code and that the Department of Social Affairs is responsible for addressing cases of child abuse, and taking note of the bill under discussion to criminalize sexual violence against children, the Committee is deeply concerned at the high incidence of abuse within family and in schools in the State party, the lack of statistical data and a comprehensive plan of action, and the insufficient infrastructures.

216. The Committee recommends that the State party:

- (a) Undertake a study on violence, including sexual violence, against children within the family, at schools and in other institutions in order to assess the scope, nature and causes of these practices with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;
- (b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;
- (c) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators with due regard given to guaranteeing the right to privacy of the child;
- (d) Provide services for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;
- (e) Take into consideration the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (f) Seek technical assistance from, among others, UNICEF and WHO.

#### 6. Basic health and welfare

217. While taking note of the adoption of the Ordinance No. 001/95 on health and the establishment of a National Health Plan of Action, and while finding encouraging the new data on mortality rates, the Committee is deeply concerned at the still high infant and under-5 mortality rates and low life expectancy in the State party. The Committee also remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human) and that medicines are too expensive and not easily accessible. In addition, the Committee is concerned that the survival and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea and by malaria, tuberculosis and malnutrition. Concern is also raised at the very low rate of breastfeeding. The Committee is further concerned at the regular outbreaks of epidemics of diseases such as the Ebola virus.

218. The Committee recommends that the State party:

- (a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;
- (b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;
- (c) Develop high-quality and affordable health care in light of the Bamako initiative;
- (d) Take the necessary measures to deal with emergency situations, including to combat epidemics of diseases such as the Ebola virus; and
- (e) Pursue additional avenues for cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.

#### Vaccination

219. The Committee notes the existence of an extended vaccination programme and the provisions of articles 16 to 29 of the 1995 Ordinance on Health Policy dealing with the extension of vaccination coverage and follow-up, but remains deeply concerned that there is a lack of adequate resources, and that the vaccination coverage has worsened during the last past years.

220. The Committee recommends that the State party continue and strengthen its efforts, including the provision of financial resources, to extend the vaccination coverage to all parts of the country. It also recommends that the State party seek further assistance from, among others, WHO and UNICEF.

#### Adolescent health

221. While noting the adoption of the Act on general measures for health and social welfare which abrogates Ordinance 64/69 (Act No. 001/2000), the Committee remains concerned that insufficient attention has been given to adolescent health issues, including developmental, mental, and

reproductive health concerns (note the rather high percentage of sexually transmitted diseases (STDs) among adolescents mentioned in the written replies), and substance abuse. The Committee is deeply concerned at the lack of education on contraception resulting in a high percentage of teenage pregnancy and its social and health-related consequences.

222. The Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes with particular attention to the prevention of STDs and early pregnancies, notably through new efforts to educate adolescents about contraception; and

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

### HIV/AIDS

223. While noting the existence of the National Anti-AIDS Programme and the efforts of the State party in that respect (e.g. agreement with pharmaceutical companies to secure access to low-priced AIDS drugs), the Committee remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

224. The Committee recommends that the State party:

(a) Increase its efforts to prevent HIV/AIDS, taking into consideration the recommendations of the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);

(b) Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;

(c) Involve children in formulating and implementing preventive policies and programmes; and

(d) Seek further technical assistance from, among others, UNAIDS.

### Children with disabilities

225. While noting the adoption of the Act No. 19/95 on "the welfare of the handicapped", the Committee is concerned at the very limited statistical data on children with disabilities in the State party and at the situation of children with physical and mental disabilities, and in particular at the limited specialized health care, education and employment possibilities available for them. The Committee is concerned further that poor health conditions and poverty are leading to an increase

in the number of children with disabilities.

226. The Committee recommends that the State party:

- (a) Ensure that adequate and comprehensive data are used in the development of policies and programmes for these children;
- (b) Review the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities;
- (c) Allocate adequate resources to strengthen services for children with disabilities, to support their families and for training of professionals in the field;
- (d) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;
- (e) Sensitize the population to the human rights of children with disabilities;
- (f) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (see CRC/C/69); and
- (g) Seek assistance from, among others, UNICEF and WHO.

#### Standard of living

227. The Committee notes the challenging socio-economic situation and the sixth debt-rescheduling deal with the Paris Club (December 2000). However, it is concerned at the poor situation of sanitation and insufficient access to safe drinking water, especially in rural communities and suburban areas, and at the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children, and children living in remote rural areas. In addition, the Committee is concerned at the deterioration of the social security system, which no longer ensures free access to health services for children.

228. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families, notably in suburban and rural areas, and to guarantee the right of children to an adequate standard of living;
- (b) Cooperate and coordinate its efforts with civil society and local communities;
- (c) Provide adequate financial resources to the social security system to restore free access to health services for children; and

(d) Provide information to families on their social rights.

## 7. Education, leisure and cultural activities

229. While noting the adoption of the Act on the general organization of education (Act No. 16/96), the high enrolment rate in primary education, the priority given to education and the increasing of the budget allocated to education, the Committee remains deeply concerned at the remaining high illiteracy rate in the State party which affects more women than men, the low enrolment in early childhood education, the very high percentage of repeaters and drop-outs in primary education, the low quality of education, the high teacher-pupil ratio, the very low percentage of children that complete primary education and the important regional disparities.

230. The Committee recommends that the State party:

(a) Take the necessary measures to identify the causes of the high rate of repetition and drop-out in primary schools and to provide remedies to this situation;

(b) Establish bridges between formal and non-formal education;

(c) Take necessary measures to remedy the low quality of education and the internal efficiency of the management of education;

(d) Raise awareness about the importance of early childhood education and develop programmes to increase the enrolment at the pre-school level;

(e) Extend resources to help children to go to secondary education;

(f) Take measures to enable children with disabilities to have access to regular schools and to ensure that these children have access to formal and vocational educational opportunities;

(g) Ensure that all girls and boys, wherever they live, including the least developed areas, have equal access to educational opportunities;

(h) Orient education towards the aims mentioned in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education;

(i) Implement the ban on corporal punishment in schools and train teachers in the use of alternative measures of discipline;

(j) Encourage the participation of children at all levels of school life; and

(k) Seek assistance from UNICEF and UNESCO.

## 8. Special protection measures

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

231. The Committee notes the adoption of the new Act on the status of refugee (Act No. 005/98) and the creation of the National Commission for Refugees and welcomes the State party's policy with regard to refugee children.

232. The Committee recommends that the State party implement the legislation and consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and continue its cooperation with international agencies such as UNHCR and UNICEF.

### Economic exploitation, including child labour

233. Noting the recent ratification (March 2001) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the adoption (June 2001) of a law which can strengthen the enforcement of the labour law regarding children, the Committee is deeply concerned by the fact that child labour in the State party is still widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

234. The Committee recommends that the State party:

- (a) Consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment;
- (b) Adopt and implement the national plan of action to prevent and combat child labour;
- (c) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to further strengthen their capacity to effectively monitor the full implementation of child labour legislation;
- (d) Continue to seek assistance from ILO/IPEC.

### Trafficking and abduction

235. While noting the criminalization of trafficking of children in a recent Act of 2001 and the establishment of a national inter-ministerial committee to fight against trafficking in children, and the serious commitment of the State party with regard to this issue, the Committee is deeply concerned at the large number of trafficked children, particularly children coming from abroad, who are still exploited, mostly in the informal labour market, or enslaved.

236. The Committee encourages the State party to pursue its efforts:

- (a) To set up a comprehensive programme to prevent and combat the sale and trafficking of children;

- (b) To implement appropriate policies and programmes for the rehabilitation and recovery of child victims and for access to basic services by children who are awaiting repatriation;
- (c) To monitor the bilateral agreement with Benin and extend this cooperation to other countries where trafficked children come from, as well as envisage signing agreements with these countries;
- (d) To carry out an awareness-raising campaign to prevent this phenomenon.

237. In addition, the Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in 2000, and the Convention on the Civil Aspects of International Child Abduction adopted at The Hague in 1980.

### Street children

238. The Committee expresses its concerns at the increasing number of street children and at the lack of specific mechanisms and measures to address this situation and to provide those children with adequate assistance.

239. The Committee recommends that the State party:

- (a) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;
- (b) Ensure that these children are provided with recovery and reintegration services when victims of physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families and community; and
- (c) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon.

### Commercial sexual exploitation and pornography

240. The Committee is concerned about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

241. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution and pornography, and implement appropriate policies and programmes to prevent this practice and for the rehabilitation and recovery of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the

1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Administration of juvenile justice

242. The Committee is concerned at the absence of juvenile courts and juvenile judges, and the limited number of social workers and teachers working in this field. In addition, the Committee is deeply concerned at the failure to separate children from adults in jails (with the exception of the central jail in the capital); the poor conditions of detention, mainly due to the overcrowding in detention and prison facilities; the frequent recourse to and excessive length of pre-trial detention; the long length of time before juvenile cases are heard; the very limited possibilities for the rehabilitation and reintegration of juveniles following judicial proceedings; and the sporadic training of judges, prosecutors and prison staff.

243. The Committee recommends that the State party take additional steps to reform the legislation concerning the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.

244. As part of this reform, the Committee particularly recommends that the State party:

- (a) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the State party;
- (b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pre-trial detention, and ensure that the lawfulness of this detention is reviewed by a judge without delay and then regularly;
- (c) Provide children with legal and other assistance at an early stage of the procedure;
- (d) Provide children with basic services (e.g. schooling);
- (e) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country; and in the meantime by guaranteeing separation from adults in all prisons and in pre-trial detention places all over the country;
- (f) Ensure that children remain in regular contact with their families while in the juvenile justice system;
- (g) Introduce regular medical examination of children by independent medical staff;



- (h) Establish an independent child-sensitive and accessible system for complaints for children;
- (i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;
- (k) Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);
- (l) Request technical assistance in the area of juvenile justice and police training from, among others, the Office of the High Commissioner for Human rights, 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.

### Minorities

245. The Committee is deeply concerned about the poor situation of Pygmy children and their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

246. The Committee urges the State party to:

- (a) Undertake a study to assess the situation and the needs of Pygmy children and to elaborate a plan of action involving leaders of the Pygmy community to protect the rights of those children and ensure their social services;
- (b) Seek adequate means to ensure birth registration, health care, etc.

### 9. Optional Protocols to the Convention on the Rights of the Child and acceptance of the amendment to article 43 (2) of the Convention

247. The Committee notes that the State party has not ratified the two 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. The Committee also notes that the State party has not yet accepted the amendment to article 43 (2) of the Convention for an expansion of the Committee from 10 to 18 members.

248. The Committee recommends that the State party ratify and implement the two Optional Protocols to the Convention on the Rights of the Child, and encourages the State party to accept the amendment to article 43 (2) of the Convention.

### 10. Dissemination of documentation

249. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted 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 and the general public, including NGOs.