



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Swaziland

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

A. Introduction

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

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

B. Positive aspects

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

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

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

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

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

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

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

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

(b) ILO Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in October 2002; and

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

C. Factors and difficulties impeding the implementation of the Convention

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

D. Principal areas of concern and recommendations

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

Legislation

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

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

Coordination

9. While noting with appreciation the intention to establish the Child Coordinating Unit, the Committee is particularly concerned at the fact that the unit is not yet operational, although the appreciated multitude of Government agencies, non-governmental organizations and community-based initiatives involved in the promotion and protection of child rights in the country lacks effective coordination.

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

National Plan of Action

11. The Committee welcomes the recent adoption of a National Plan for Orphans and Vulnerable Children for 2006-2010. The Committee also notes that a comprehensive Children's Policy formulated in 2003 is awaiting Cabinet approval.

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

Independent monitoring

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

14. **The Committee recommends that the State party establish an independent body for monitoring the implementation of the Convention of the Rights of the Child in accordance with the Paris Principles (General Assembly resolution 48/134) and the Committee's general comment No. 2 on national human rights institutions (CRC/C/2002/2). Such a body should be provided with adequate human and financial resources, be easily accessible**

to children; and deal with complaints from children in a child-sensitive manner. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Resources for children

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

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

Data collection

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

18. The Committee encourages the State party to continue to strengthen its system of collecting disaggregated data as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.

Dissemination, training and awareness-raising

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

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

Cooperation with civil society

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

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

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

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

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

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

Non-discrimination

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

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

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

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

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

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

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

Best interests of the child

28. The Committee is concerned that the principle of the best interests of the child is not given adequate attention in national legislation and policies and that awareness of its significance is low among the population.

29. The Committee recommends that the State party take measures to raise awareness of the meaning and practical application of the principle of the best interests of the child and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures.

Respect for the views of the child

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

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

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

Right to nationality

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

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

Birth registration

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

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

Corporal punishment

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

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

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

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

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

Children without parental care

40. The Committee notes that the State party, in cooperation with civil society, has developed many programmes to provide care and support to orphans and vulnerable children. Despite these developments, the Committee remains deeply concerned about the impact the high rate of HIV/AIDS has on children who have lost one or both parents and the need to provide them with adequate alternative care. The Committee is further concerned at the lack of guidelines for the operation of orphanages.

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

(a) Develop an effective and comprehensive policy addressing the needs of children without parental care;

(b) Effectively support programmes for children in vulnerable families, particularly those affected by HIV/AIDS and families suffering from poverty;

(c) Provide psychosocial and financial support to extended families that care for children of parents who have died of AIDS and for child-headed households;

(d) Promote and support family-type forms of alternative care for children deprived of parental care, in order to reduce the resort to residential care;

(e) Develop clear standards guiding the operation of orphanages and ensure their implementation via an effective inspection system;

(f) Establish confidential complaints and counselling mechanisms to which children have access; and

(g) Take into account the Committee's day of general discussion on children without parental care (2005) in the development of its policy and activities.

Adoption

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

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

Child abuse and neglect

44. The Committee welcomes the establishment of a Domestic Violence, Child Protection and Sexual Offences Unit within the Royal Swaziland Police. However, the Committee remains concerned at the lack of a comprehensive policy for the prevention and combat of child abuse and neglect in the family. The Committee is also concerned that many child victims have only limited access to justice due to the prohibitive costs associated with the services of legal counsel.

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

(a) **Take the necessary measures to prevent child abuse and neglect, including, inter alia, preventive public education campaigns about the negative consequences;**

(b) **Establish, in addition to existing procedures such as local child protectors, effective mechanisms to receive, monitor and investigate reports of cases of child abuse and neglect;**

(c) **Provide ongoing training for members of the Unit mentioned in paragraph 44 and for other professionals dealing with cases of child abuse and neglect;**

(d) **Provide victims of child abuse and neglect with special care and counselling for their recovery and social reintegration;**

(e) **Strengthen the existing hotline for children by taking measures to develop it into a 24-hour toll-free child helpline accessible for all children; and**

(f) **Take the necessary steps to set up free national legal aid and mediation or other appropriate services to deal with matters relating to children, including sexual abuse and maintenance, and provide it with adequate human and financial resources.**

46. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

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

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

Children with disabilities

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

49. **The Committee recommends that the State party, while taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (1997), take all necessary measures:**

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

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

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

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

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

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

Health and health services

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

52. **In this regard, the Committee recommends in particular that the State Party:**

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

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

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

HIV/AIDS

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

54. **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:**

(a) Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns, and to prevent discrimination against children infected with and affected by HIV/AIDS;

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

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

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

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

Adolescent health

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

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

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

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

Adequate standard of living

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

58. The Committee recommends that the State party:

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

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

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

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

59. The Committee is encouraged by the significant percentage of the State party's gross domestic product (GDP) that is allocated to education and the provision by the State party of grants to support orphans and vulnerable children. The Committee notes that available data

demonstrates that much of the GDP allocation to education is spent on universities rather than on primary and secondary schools. The Committee welcomes the fact that the Constitution makes provision for free education of all children up to the end of primary level within three years of its commencement. The Committee also welcomes the adoption in 2005 of the Universal Primary Education Plan, which the State party has begun implementing. Nevertheless, the Committee is concerned at the high rates of repetition and dropouts as well as the extremely low completion rates in schools.

60. **The Committee recommends that the State party, taking into account its general comment No. 1 (CRC/GC/2001/1) on the aims of education:**

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

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

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

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

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

Economic exploitation, including child labour

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

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

Sexual exploitation

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

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

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

(b) **Strengthen awareness-raising and educational measures, including the intensification of media programmes, peer group intervention through age and cultural strategies and open discussion at the Tinkhundla level;**

(c) **Ensure that child victims of sexual exploitation are not criminalized or penalized; and**

(d) **Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses Against Commercial Sexual Exploitation of Children.**

Drug abuse

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

66. **The Committee recommends that the State party take measures to prevent and reduce drug abuse among children and to support recovery programmes for child victims of drug abuse. The Committee further recommends that the State party seek technical cooperation from, inter alia, WHO and UNICEF.**

Juvenile justice

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

(a) The low minimum age for criminal responsibility (7 years);

(b) The fact that children, in particular girls, are detained together with adults;

(c) The lack of rehabilitation and reintegration programmes for juvenile offenders;

(d) The lack of training programmes for professionals working in the juvenile system;

and

(e) The use of corporal punishment as a sanction for juveniles.

68. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), and in the light of the Committee's day of general discussion on the administration of juvenile justice. In particular the Committee recommends that the State party:

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

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

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

10. Follow-up and dissemination

Follow-up

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

Dissemination

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

11. Next report

72. **The Committee invites the State party to submit a consolidated second, third and fourth report by 5 April 2011 (that is, 18 months before the due date of the fourth report). This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**
