

## SYRIAN ARAB REPUBLIC

### CRC A/53/41 (1998)

610. The Committee considered the initial report of the Syrian Arab Republic (CRC/C/28/Add.2) at its 360th to 362nd meetings, on 16 and 17 January 1997 (CRC/C/SR.360-362), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

#### Introduction

611. The Committee wishes to express its appreciation for the constructive dialogue engaged with the delegation. While it welcomes the submission by the Syrian Arab Republic of its initial report and written answers to its list of issues (CRC/C/Q/SYR.1), the Committee regrets the lack of information provided on the implementation of the principles and provisions of the Convention in practice, preventing it from obtaining a more detailed picture of the situation of children within the country.

#### Positive factors

612. The Committee notes with appreciation that the Convention is fully incorporated into domestic law, and that the Civil Code and the Code of Criminal Procedure expressly provide that their provisions shall not apply in case they conflict with a provision of an international convention in force in the Syrian Arab Republic. The Committee also welcomes the fact that a number of provisions of domestic law are currently being reviewed in order to ensure their conformity with the principles and provisions of the Convention.

613. The Committee welcomes the initiatives taken by the Government, such as the establishment at the ministerial level of a Higher Committee for Child Welfare, the setting up of a National Committee for Children to monitor the implementation of the Convention in the Syrian Arab Republic and the adoption of a National Plan of Action to implement the World Declaration on the Survival, Protection and Development of Children in the 1990s.

614. The Committee notes with appreciation that education is free of charge at all levels and that it has been made compulsory at the primary level by the Compulsory Education Act, No. 35, of 1981.

615. The Committee further notes with appreciation the intention of the Government to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon.

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

616. The Committee notes that the State party, as a result of the occupation of a part of its territory, is not in a position to exercise control over all of its territory and consequently cannot ensure the implementation of the Convention in all parts of the country. The Committee also notes in this context that the important budget devoted to military expenditure and the insufficient budget

allocated to the social sector may contribute to hampering the enjoyment by children of their rights under the Convention.

#### Principal subjects of concern

617. The Committee is concerned that the broad nature of the reservations made by the State party to articles 14, 20 and 21 of the Convention may cause misunderstandings about the nature of the State's commitment to implementing the rights covered by these articles.

618. While welcoming the existence of government bodies competent to deal with the welfare of children at the national level, the Committee expresses its concern at the insufficient coordination between these bodies and between national and local bodies in developing a comprehensive approach to the implementation of the Convention.

619. The Committee is concerned at the insufficient measures taken to systematically gather reliable quantitative and qualitative data on all areas covered by the Convention in relation to all groups of children, so as to evaluate progress achieved and to assess the impact of policies adopted with respect to children, with particular emphasis on education, health, child labour, refugee children and children belonging to minorities, the girl child, children involved with the administration of juvenile justice, disabled children, children victims of abuse or ill-treatment and children living and/or working in the street.

620. While acknowledging the initiatives taken to promote awareness of the principles and provisions of the Convention, the Committee remains concerned at the insufficient measures taken to ensure that the principles and provisions are made widely known to children, parents, officials and professionals working with and for children. In this regard, it is particularly concerned that the training in the field of children's rights provided to members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and not systematic. The Committee is also concerned at the lack of measures taken to publish and disseminate the text of the Convention within the public, in formats intended for both children and adults and according to their levels of education.

621. The Committee notes with concern that the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life are not fully reflected in domestic legislation and implemented in practice. It is also concerned at the lack of conformity of relevant domestic laws with the definition of the child under the Convention, especially at the low age of criminal responsibility (seven) and of access to employment.

622. The Committee expresses its concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, and towards children born out of wedlock. Moreover, the lower marriageable age for girls than for boys raises questions as to its compatibility with the Convention, in particular article 2.

623. As regards the implementation of article 4 of the Convention, the Committee notes with concern

the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of the State's available resources, with particular emphasis on health and education. The Committee is particularly concerned at the insufficient policies, measures and programmes for the protection of the rights of the most vulnerable children, especially children living in poverty, the girl child, disabled children, children victims of abuse, children belonging to minority groups and children who are living and/or working on the street.

624. The situation of refugee and Syrian-born Kurdish children is a matter of concern to the Committee in the light of article 7 of the Convention. In this regard, the Committee notes the absence of facilities for the registration of refugee children born in the Syrian Arab Republic, and that Syrian-born Kurdish children are considered either as foreigners or as maktoumeen (unregistered) by the Syrian authorities and face great administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality at birth.

625. With regard to education, the Committee notes with concern the high drop-out rates from the secondary level, especially among girls, the high teacher/student ratio and the lack of adequate learning and teaching facilities. The Committee further notes that the school curricula do not yet contain a programme on human rights and children's rights education.

626. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family and to provide physical and psychological recovery and social reintegration to children victims of such ill-treatment and abuse, and at the lack of information provided on this matter. The Committee also notes with concern that disciplinary measures in schools often consist of corporal punishment although it is prohibited by law.

627. The Committee notes with concern that the minimum age for employment of children is too low and that children working in family enterprises are not protected by the relevant provisions of Labour Act No. 91 of 1959, including on the minimum age of employment, the prohibition of night work and other protection measures with regard to harmful occupations. Furthermore, the Committee expresses its concern at reports of exploitation of child labour in the agricultural sector and at the lack of means available in rural areas to combat and prevent this phenomenon.

628. The Committee expresses its concern at the system of the administration of juvenile justice in the State party, which does not conform to articles 37 and 40 of the Convention and other relevant United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. It notes in particular that children may be deprived of liberty at a very low age and that sufficient attention has not been paid to date to find alternatives to institutional care of children.

#### Suggestions and recommendations

629. The Committee encourages the State party to review its reservations to articles 14, 20 and 21 of the Convention. In this regard, the Committee underlines that interpretative declarations by the State party might have the desired effect of clarifying the State position in respect of these particular rights.

630. While it welcomes the establishment of the Higher Committee for Child Welfare and the National Committee for Children, the Committee recommends that further efforts be developed, through these committees, to increase and systematize vertical coordination between central and local administrations and bodies involved in the protection of the rights of the child and in the implementation of the various policies and programmes thereon.

631. The Committee recommends that the system of data collection be improved and that it identify appropriate and specific disaggregated indicators to allow the identification of sectors where further action is needed and the assessment of progress achieved in all areas covered by the Convention in all parts of the country and with regard to all groups of children, including children in especially difficult circumstances. The Committee notes the willingness of the State party to receive technical assistance in this particular area and it recommends that cooperation be developed with the United Nations Children's Fund. The Committee also suggests that the State party consider incorporating in its National Plan of Action data reflecting all areas covered by the Convention.

632. The Committee also recommends that the State party continue and increase its activities in the field of the promotion of public awareness of the principles and provisions of the Convention, in the light of article 42 of the Convention, and that it set up programmes for the continuous training of officials and professionals working with and for children, including members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel. The Committee also recommends that, within the review of the school curricula currently under way, special emphasis be given to the incorporation of the general principles of the Convention in the programmes of education.

633. The Committee recommends that the State party pursue its efforts with a view to ensuring full conformity of its national laws with the Convention, having due regard for the general principles of the Convention, in particular those relating to the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life. In this regard, the Committee recommends that specific provisions be incorporated, wherever appropriate, in the law to reflect those principles and that the provisions relating to the minimum age of marriage for girls, the age of criminal responsibility, the minimum age of access to employment and work in family enterprises be reviewed and brought into line with the principles of the Convention as a matter of priority.

634. The Committee recommends that information campaigns be launched to prevent and combat prevailing discrimination against girls. The Committee also recommends that appropriate proactive measures be adopted for the protection of children born out of wedlock.

635. The Committee also recommends that, in the light of article 4 of the Convention, priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children belonging to the most disadvantaged groups. In this regard, the Committee suggests that the ministries responsible for overall planning and budgeting be fully involved in the activities of the Higher Committee on Child Welfare and the National Committee on Children, with a view to ensuring that their decisions have a direct and immediate impact on the budget.

636. As regards the enjoyment of their rights under article 7 of the Convention by refugee children born in the Syrian Arab Republic and by Syrian-born Kurdish children, the Committee emphasizes that the right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin, in line with article 2 of the Convention. The Committee also recommends that the State party consider the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1961 Convention on the Reduction of Statelessness.

637. The Committee recommends that special attention be paid by the authorities to the problem of ill-treatment and abuse of children within the family and of corporal punishment in schools. In this regard, the Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental punishment within the family or in schools, as well as for the establishment of a complaint mechanism intended to benefit children victims of such ill-treatment or abuse. The Committee further recommends that mechanisms for the physical and psychological recovery and social reintegration of children victims of such ill-treatment and abuse be established.

638. The Committee further recommends that the provisions of Labour Act No. 91 of 1959 relating to the protection of children with regard to employment be reviewed and brought into line with the Convention, in particular article 32. The Committee suggests that the State party consider the ratification of International Labour Organization Convention No. 138 on minimum age for admission to employment.

639. The Committee recommends that the State party envisage undertaking a reform of the system of juvenile justice in the spirit of articles 37, 39 and 40 of the Convention and other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. To this end, the Committee suggests that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat. The Committee further suggests that the setting up of an independent monitoring body to receive and consider complaints of children involved with the administration of juvenile justice be duly considered by the Syrian authorities.

640. The Committee recommends that, in view of the legislative review and adoption of policies by the State party in the spirit of the principles and provisions of the Convention, studies be conducted, in close cooperation with the United Nations Children's Fund and national and international non-governmental organizations, notably in the fields of health and family planning, education and human rights education, and early marriage and child abuse, including sexual abuse of children within the family.

641. Finally, while recalling the intention of the State party to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon, the Committee recommends, in the light of article 44, paragraph 6, of the Convention, that such publications be made widely available to the public at large in order to generate debate and awareness

of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## **CRC CRC/C/132 (2003)**

527. At its 883rd and 884th meetings (see CRC/C/SR.883 and 884), held on 3 June 2003, the Committee considered the second periodic report of the Syrian Arab Republic (CRC/C/93/Add.2), which was received on 15 August 2000, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

### **A. Introduction**

528. The Committee welcomes the timely submission of the report and notes that it follows the guidelines for reporting, although the report itself was legalistic in nature. It appreciates the informative written replies which were submitted, as well as the supplementary report. The Committee appreciates the presence of a high-level, well-qualified and cross-sectoral delegation that contributed to a better understanding of the process of implementation of the Convention in the State party.

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

529. The Committee welcomes:

- (a) The ratification of international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and ILO Convention No. 138 concerning Minimum Age for Admission to Employment;
- (b) The parliamentary ratification of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, as well as ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- (c) The increase in the minimum age for admission to employment to 15 years;
- (d) The increase in the age of compulsory education from 12 to 15 years;
- (e) The establishment of new institutions relating to children's issues (i.e. Directorates of Culture, Early Childhood Education and Special Education);
- (f) The achievement of many of the goals of the World Summit for Children, particularly in the areas of health and education;
- (g) The establishment of the Higher Committee for Childhood in 1999;
- (h) The taking into account of the Convention in national legislation, i.e. the civil and criminal procedure codes expressly state that provisions contrary to international treaties to which Syria is a party are inapplicable.

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

530. The Committee joins the State party in its concern about the difficulties in ensuring the rights of Syrian children in the occupied Syrian Golan.

### D. Principal subjects of concern and recommendations

#### 1. General measures of implementation

##### Previous concluding observations

531. The Committee is concerned that many of the concerns expressed and recommendations made (CRC/C/15/Add.70) following consideration of the State party's initial report (CRC/C/28/Add.2) have been insufficiently addressed, for example in relation to the integration of the Convention's principles in legislation, the prioritization of children's rights in budgetary allocation and the ill-treatment of children. The Committee notes that many of the same concerns and recommendations are made in the present document.

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

##### Reservations

533. The Committee regrets that no review has been undertaken with respect to the reservations since the presentation of the initial report. Noting the State party's reasoning in the report, it reiterates its concern that the nature of the general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention. In particular, concerning article 14, the reservation gives rise to infringements of the freedoms of thought, conscience and religion; concerning articles 20 and 21, the reservation is unnecessary: the Committee points out that article 20 (3) of the Convention expressly recognizes *kafalah* as a form of alternative care. Article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which does not apply to the State party because it does not recognize the system of adoption.

534. The Committee recommends that the State party, in accordance with the Vienna Declaration and Plan of Action, and taking account of the Human Rights Committee's general comment No. 22, study its reservation, particularly concerning articles 14, 20 and 21, with a view to withdrawing it.

##### Legislation

535. The Committee notes that the State party has undertaken a commitment to review national legislation vis-à-vis the Convention. It further notes various recent and proposed legislative measures with respect to child rights (e.g. amendments to the Personal Status Code and higher penalties sought



for infringements of the Compulsory Education Act), but the Committee is concerned that they do not sufficiently reflect a comprehensive human rights-based approach to the implementation of the Convention. Moreover, it is concerned that in the area of personal status matters, the application of different laws (e.g. 1953 Law of Personal Status) governing different religious communities (i.e. Muslims, Druze, Christians and Jews), and consequently recourse to the different court systems (i.e. Shariah, *madhabi*, and *ruhj* courts), may lead to discrimination in the enjoyment of children's rights.

536. The Committee recommends that the State party:

- (a) Expedite the comprehensive review of its law, administrative regulations and legal procedural rules to ensure that they conform to international human rights standards, including the Convention;
- (b) Take all possible measures to reconcile the interpretation of religious laws with fundamental human rights;
- (c) Ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

#### Coordination

537. The Committee notes that the Higher Committee for Childhood (HCC) (Decision No. 1023 of 1999) is charged with coordinating the implementation of the Convention. The Committee welcomes the information that HCC will establish branches at the governorate level and that it may be provided with an independent budget. It further welcomes the information that a new national plan of action will be adopted in October 2003. But the Committee remains concerned that the existing coordination is inefficient and that HCC lacks an independent budget. It reiterates its concern that deficiencies in intersectoral coordination at the central and local levels of government make it difficult to achieve a comprehensive and coherent child rights policy.

538. The Committee recommends that the State party:

- (a) Continue and strengthen its efforts to make HCC an effective and efficient body for the coordination of the implementation of the Convention by, among other things, providing it with sufficient human and financial resources, and ensure good cooperation and coordination between the intended branches and HCC;
- (b) Provide the necessary support, including sufficient human, financial and other resources, for a full implementation of the new national plan of action and to evaluate regularly its impact on the implementation of the Convention.

#### Data

539. The Committee notes the improvement of data collection in the areas of health, nutrition and education and welcomes the information that a Child Information Unit has been established within

the Central Bureau of Statistics. It nevertheless remains concerned at the scarcity and availability of reliable statistical data on areas covered by the Convention.

540. The Committee encourages the State party to:

- (a) Collect statistics on all persons under 18 years for all areas covered by the Convention, including data on children living in remote areas, victims of abuse, children with disabilities, adolescent health, juvenile offenders, etc.;
- (b) Strengthen the Child Information Unit and provide it with adequate human and financial resources;
- (c) Consider ways to improve the reliability of data by, among other things, harmonizing statistical definitions among various government departments;
- (d) Continue to seek assistance from UNICEF.

#### Monitoring structures

541. The Committee notes that in addition to coordinating functions, HCC is also responsible for monitoring implementation, together with the presidents of the juvenile courts (Decision No. 134 of 1998) and judicial committees (Decision No. 2108 of 1999). The Committee is concerned that there is a lack of coordination among these different mechanisms. Moreover, it is concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention, and which is empowered to receive and address complaints from children.

542. The Committee recommends that the State party establish an independent national human rights institution, in accordance with the Paris Principles and the Committee's general comment No. 2, to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be adequately resourced, accessible to children, and empowered to receive and investigate complaints of violations of children's rights in a child-sensitive manner and to address them effectively.

#### Resource allocation

543. The Committee remains concerned that the budgetary allocations for areas covered by the Convention, in particular for health, education and child protection, are low, indicating that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

544. The Committee recommends that the State party:

- (a) Ensure the economic, social and cultural rights of all children, to the maximum extent of available resources;

(b) Continue to prioritize and target budgetary allocations for social services for children belonging to the most vulnerable groups (e.g. children living in the north and north-eastern parts of the country);

(c) Systematically assess the impact of budgetary allocations on the implementation of child rights.

#### Cooperation with civil society

545. The Committee notes the information on good government cooperation with national associations in the development and welfare sectors, as well as with international organizations. However, it is concerned that little effort has been made to actively involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

546. The Committee recommends that the State party:

(a) Adopt a systematic approach to involving civil society, including children's associations, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs (e.g. the Private Associations and Institutions Act No. 93 of 1958) conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

#### Training/dissemination of the Convention

547. The Committee welcomes the State party's efforts to disseminate the Convention and the study undertaken to evaluate the effectiveness of these efforts. In this regard, it notes that awareness is lowest in relation to the civil rights and freedoms of children.

548. The Committee encourages the State party to continue:

(a) To expand and make ongoing its programme for the dissemination of information on the Convention and its implementation (giving attention to civil rights and freedoms), among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups that are illiterate or without formal education;

(b) To develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel);

(c) Seek assistance from OHCHR and UNICEF, among others, in this regard.

## 2. Definition of the child

549. The Committee regrets that no progress has been made to raise the minimum age of marriage for girls (17) to that of boys (18), a difference which is discriminatory and contrary to article 2 of the Convention. It continues to be concerned about early marriages in rural areas.

550. The Committee recommends that the State party amend legislation to raise the minimum age of marriage for girls to that of boys and undertake greater efforts to enforce it, particularly in rural areas.

## 3. General principles

### Right to non-discrimination

551. The Committee is concerned that both direct and indirect discrimination against the child or his or her parents or legal guardians persists, contrary to article 2 of the Convention, particularly with respect to:

- (a) Girls, children born out of wedlock and children belonging to minorities;
- (b) Disparities in access to health and educational services between rural and urban areas, and particularly that the rural north and north-east of the country lag behind in social indicators.

552. The Committee recommends that the State party:

- (a) Take effective measures, for example by enacting or rescinding legislation where necessary, and implementing disparity-reduction programmes to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;
- (b) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;
- (c) Take due regard of general comment No. 28 of the Human Rights Committee on the equality of rights between men and women;
- (d) Mobilize religious leaders to support such efforts.

553. 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).

### Best interests of the child

554. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not expressly incorporated in all legislation concerning children and is not always considered in practice. For example, the Committee notes that a draft bill proposes to raise the ages in article 146 of the Personal Status Code. It remains concerned that custody is determined by criteria such as age, rather than what arrangement is in the child's best interest.

555. The Committee recommends that the State party fully incorporate in legislation and practice article 3 of the Convention.

#### Respect for the views of the child

556. The Committee welcomes the efforts made by the State party to promote respect for the views of the child, including information that a children's parliament is to be established shortly. However, it is concerned that traditional attitudes towards children in society may limit respect for their views, especially within the family and schools, and that children are not systematically heard in court and administrative proceedings in matters that affect them.

557. The Committee recommends that the State party:

(a) Continue to promote and facilitate within the family, the school, institutions and the courts respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to support children to express their informed views and opinions and to take these views into consideration.

#### 4. Civil rights and freedoms

##### Nationality

558. The Committee is concerned that article 3 of the Syrian Nationality Act No. 276 of 1969 does not automatically grant citizenship to children of Syrian women married to non-nationals as it does where the father is Syrian. Moreover, the Committee regrets that children of Syrian-born Kurdish parents who are stateless and have no other nationality at birth continue to be denied Syrian nationality and are subject to discrimination, contrary to articles 2 and 7 of the Convention.

559. The Committee re-emphasizes that articles 2 and 7 of the Convention require that all children within the State party's jurisdiction have the right to be registered and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnic origin. The Committee recommends that the State party:

(a) Ensure the right of a child to a nationality without discrimination on the basis of either parent's sex;

(b) Take urgent steps to guarantee children of Syrian-born Kurdish parents the right to acquire Syrian nationality;

(c) Ratify the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961.

Freedoms of expression, thought, conscience and religion, association and assembly; the right to privacy; and the right of access to information

560. The Committee is concerned that the reference in the report to information contained in the initial report indicates that very little or no progress has taken place with respect to the implementation of articles 13 to 17 of the Convention on these matters.

561. The Committee recommends that the State party actively promote the implementation of these rights by, among other things, making children more aware of these rights and by facilitating their active use in daily practice and report on the progress made in this regard in the next report.

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

562. The Committee regrets that little progress has been made in the State party in studying and raising awareness of ill-treatment of children within the family, as well as domestic violence and its impact on children. Moreover, it is concerned that corporal punishment in schools is not prohibited by law.

563. The Committee recommends that the State party:

(a) Conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, as well as domestic violence, and use the results of the study to design policies and programmes to address this issue;

(b) Take the necessary measures to prevent child abuse and neglect (e.g. educational public campaigns about the negative consequences of ill-treatment of children, parenting classes) and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(c) Take legislative measures to prohibit all forms of violence, including corporal punishment and sexual abuse of children in the family, schools and other institutions;

(d) Establish effective child-sensitive procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, paying special attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;

(e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

- (f) Provide care, recovery and reintegration for victims;
- (g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases;
- (h) Continue to seek assistance from, among others, UNICEF and WHO.

## 6. Basic health and welfare

### Children with disabilities

564. The Committee welcomes the information that a draft bill concerning the disabled is in preparation and that it proposes the establishment of a council for the disabled. However, it is concerned that children with disabilities, in general, have inadequate access to specialized services and education, and that there is insufficient support for families.

565. The Committee recommends that the State party:

- (a) Conduct a survey to assess the causes and extent of disability among children;
- (b) Review existing policies and practice in relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (see CRC/C/69);
- (c) Undertake greater efforts to make available the necessary professional and financial resources;
- (d) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups;
- (e) Undertake greater efforts to include children with all forms of disability in mainstream education;
- (f) Seek assistance from, among others, UNICEF and WHO.

### Health

566. The Committee welcomes the adoption of the Integrated Management of Childhood Illnesses strategy and the State party's support for various initiatives, such as the Community School Initiative and "healthy villages" and notes the achievements in child and maternal health, as indicated in recent multiple indicator cluster surveys. But it is still concerned:

- (a) That the range and quality of services of the country's health centres are limited;
- (b) That about 14 per cent of births are not attended by trained health personnel;

- (c) That there is a significant gap in the quality of care between public and private health services, and that private services are inaccessible to most people because they do not have insurance;
- (d) That only 25 per cent of mothers in the north treat their children's diarrhoea correctly with oral rehydration therapy;
- (e) Only about 60 per cent of households consume iodized salt;
- (f) About the inadequate access to safe drinking water and sanitation in rural areas.

567. The Committee recommends that the State party:

- (a) Ensure that its commitment to public primary health care is matched by adequate allocations of human and financial resources and that all children, especially in rural areas, have access to health care;
- (b) Continue efforts to implement the Integrated Management of Childhood Illnesses strategy throughout the country;
- (c) Undertake greater efforts to promote better home-care practices in early childhood;
- (d) Continue to support and expand the Community School Initiative and "healthy villages";
- (e) Continue to cooperate with and seek assistance from, among others, UNICEF and WHO.

#### Adolescent Health

568. The Committee welcomes the support of the State party to HIV/AIDS awareness campaigns. However, it is concerned at the insufficient reproductive and mental health counselling services available in relation to adolescent health.

569. The Committee recommends that the State party:

- (a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;
- (b) Strengthen efforts in the area of adolescent health education within the school system;
- (c) Continue and strengthen HIV/AIDS awareness and prevention campaigns;
- (d) Continue to cooperate with, and seek assistance from, UNICEF and WHO.

#### 7. Education



570. The Committee is concerned that:

(a) A high percentage of pupils drop out of primary and secondary school, especially children in rural areas and girls;

(b) Many schools lack textbooks and teaching materials.

571. The Committee recommends that the State party:

(a) Strengthen initiatives to stem the problem of school dropout at primary and secondary levels, especially in rural areas and by girls, by addressing issues such as inadequate sanitation in school buildings, early marriages, in direct costs of attending school and the lack of school transportation;

(b) Undertake greater efforts to allocate the required resources to ensure the provision of learning materials and supplies.

572. The Committee notes the adoption of the Global Education Initiative to improve the quality of basic education and that some efforts have been undertaken towards curriculum reform. Nevertheless, it remains concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention and, in particular, that:

(a) The system of public education continues to emphasize rote learning rather than analytical skills development, and is not child-centred;

(b) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities are not explicitly part of the curriculum.

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

(a) Undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development;

(b) Direct education towards the development of the child's personality, talents and mental and physical abilities to their fullest potential;

(c) Include human rights education, including children's rights, in school curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities. Religious leaders must be mobilized in this regard;

(d) Seek assistance from, among others, UNICEF and UNESCO.

## 8. Special protection measures

### Refugee and asylum-seeking children

574. The Committee notes with appreciation the efforts the State party is making as regards refugee children, particularly in relation to unaccompanied minors, access to education and ensuring birth registration. It welcomes progress made on the memorandum of understanding with UNHCR, which is an important step in ensuring the protection of refugee children. However, the Committee is concerned that there are no legislative or administrative provisions on issues relating to asylum.

575. The Committee recommends that the State party:

- (a) Continue to take effective measures to ensure all the rights of refugee and asylum-seeking children, in accordance with articles 2 and 22 of the Convention;
- (b) Consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol;
- (c) Take steps to introduce national refugee legislation that meets international standards;
- (d) Continue and strengthen its cooperation with UNHCR.

### Economic exploitation

576. The Committee welcomes the ratification of ILO Convention No. 138. It further welcomes the amendments to the 1959 Labour Code to increase the minimum age of admission to employment to 15 years. However, it remains concerned that approximately 7 per cent of children under 14 are employed as workers and that labour law provisions do not extend protection, including effective inspections, to children engaged in work in the informal sector (i.e. family-owned enterprises, agriculture), precisely where much child work is concentrated and which in many cases involves hazardous conditions. Moreover, it notes that the proposed amendments to the 1958 Agricultural Relations Act do not adequately address these concerns.

577. In accordance with article 32 of the Convention, the Committee recommends that the State party:

- (a) Take immediate and effective steps to ensure the implementation, in law and practice, of article 32 of the Convention on the Rights of the Child and ILO Convention No. 138, taking into account ILO Recommendations No. 146, strengthening the labour inspectorate through the provision of adequate human and financial resources and training and taking all the necessary preventive and rehabilitative measures;
- (b) Seek assistance from ILO and UNICEF.

### Administration of juvenile justice

578. The Committee notes the information that the State party has initiated a process of reform of

the juvenile justice system, but remains concerned that this reform is not a comprehensive child rights-based plan and that various problems presently exist, such as:

- (a) Children between 7 and 15 years who commit an offence may be subject to sentences (although not necessarily to imprisonment);
- (b) Problematic behaviour of children such as begging is criminalized as a status offence;
- (c) Strict limitations to pre-trial detention do not seem to be observed in practice;
- (d) The use of alternatives to custodial sentences is rare;
- (e) The conditions in detention centres for juveniles are often harsh;
- (f) The holistic approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention, including prevention, special procedures, and diversion, has not been sufficiently taken into consideration by the State party.

579. The Committee recommends that the State party develop and implement a comprehensive national strategy for the establishment of a juvenile justice system that fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System. It recommends that the State party make particular efforts:

- (a) To maintain the minimum age for criminal responsibility at 15 and take measures to deal with children under 15 in conflict with the law not through the criminal justice system, but through child protection procedures;
- (b) To ensure that persons under 18 are not tried as adults;
- (c) To ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;
- (d) To ensure that children have access to legal aid and independent and effective complaints mechanisms;
- (e) To strengthen links between the judiciary, policy and social support structures;
- (f) To train professionals in the area of social rehabilitation of children.

#### 9. Dissemination of the reports

580. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the

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 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 at all levels of administration of the State party and among the general public, including concerned NGOs.

#### 10. Periodicity of submission of reports

581. In light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC /C/124) and noting that the State party's third periodic report is due within two years after the consideration of its second report, the Committee invites the State party to submit a consolidated third and fourth periodic report on 13 February 2009 (i.e. 18 months before the due date established in accordance with the Convention). Such a 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.