

ZAMBIA

CRC CRC/C/132 (2003)

152. The Committee considered the initial report of Zambia (CRC/C/11/Add.25) at its 869th and 870th meetings (see CRC/C/SR.869 and 870), held on 22 May 2003, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

153. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines, is self-critical and constructive. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/ZMB/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee acknowledges that the presence of a highly qualified delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

B. Positive aspects

154. The Committee welcomes the adoption of a National Child Policy and National Plan of Action (1994), and a National HIV/AIDS policy. In addition, the Committee welcomes the establishment of the Law Development Commission, the National HIV/AIDS Council, the National Steering Committee on Child Labour and the National Committee for Human Rights Education.

C. Factors and difficulties impeding the implementation of the Convention

155. The Committee acknowledges that the full implementation of the Convention in the State party has been impeded by its geographical position as a landlocked country, its extreme poverty and the HIV/AIDS pandemic, all of which have had a negative impact on the institutions and behavioural patterns within the society and on children's lives in particular, especially children belonging to the most vulnerable groups. In particular, it notes the country's high external debt payments, the recent declining economic conditions and rampant corruption.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

156. The Committee notes the efforts undertaken by the State party to harmonize domestic legislation, including customary laws, with the Convention, notably through the activities of the Law Development Commission. However, the Committee remains concerned that domestic legislation still does not fully reflect the principles and provisions of the Convention and that, in particular, various customary laws are in opposition to the Convention in many respects.

157. The Committee recommends that the State party:

- (a) Continue and strengthen its efforts, notably through the Law Development Commission, to review existing legislation and customary laws with the aim of bringing them into conformity with the Convention;
- (b) Pursue its efforts for the adoption of a comprehensive children's code, which will reflect the general principles of the Convention;
- (c) Seek technical assistance from, among others, OHCHR and UNICEF.

Coordination

158. The Committee notes that several ministries are responsible for the implementation of the Convention and that various national policies regarding children exist. It is concerned at the lack of effective coordination of the activities relating to the implementation of the Convention and concurs with the State party in its opinion that coordination needs to be strengthened. The Committee welcomes the information that a National Child Council will be established for this purpose, and welcomes the establishment of the National Steering Committee on Orphans and Vulnerable Children in 2000.

159. The Committee recommends that the State party make sure that the new National Child Council is provided with adequate power and human and financial resources to effectively coordinate all activities for the implementation of the Convention. It further recommends that the relationship between the Council and the National Steering Committee on Orphans and Vulnerable Children be well defined in order to avoid duplication of coordinating activities, and the Steering Committee be provided with adequate resources, both human and financial, to be able to perform its mandate fully and effectively, using a rights-based approach.

National Plan of Action

160. The Committee welcomes the adoption of the National Child Policy and National Plan of Action (1994), but remains concerned that the lack of sufficient human and financial resources may seriously hamper their implementation. In addition, the Committee is concerned that no proper evaluation has been made of these two policy frameworks.

161. The Committee recommends that the State party take all necessary steps for the full implementation of the National Child Policy and National Plan of Action, notably by allocating the necessary human and financial resources within the framework of international cooperation, and by involving NGOs as much as possible. The State party is also encouraged to seek technical and other assistance from UNICEF.

Independent monitoring structures

162. The Committee welcomes the establishment of the Permanent Human Rights Commission and

its activities for the implementation of the Convention. However, the

Committee remains concerned that the Commission is not independent and not yet fully operational (the Children's Rights Committee within the Commission has not yet started working), notably due to limited human and financial resources.

163. The Committee recommends that the State party bring the structure and functions of the Permanent Human Rights Commission fully into line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) and taking into account the Committee's general comment No. 2 on national human rights institutions, in order to enable the Commission to monitor and evaluate progress in the implementation of the Convention at the national and local levels. In addition, the institution should be empowered to receive and investigate complaints about violations of child rights in a child-sensitive manner and address them effectively. To this end, the Committee recommends that the State party allocate sufficient financial and human resources to the Commission and encourages it to seek technical assistance from, among others, OHCHR and UNICEF.

Data collection

164. The Committee welcomes the disaggregated data provided by the State party, notably in its written replies, and the information imparted during the dialogue that the Central Statistics Bureau is restructuring its data collection system in accordance with a five-year strategic plan and that it will coordinate the statistical data collection.

165. The Committee recommends that the State party continue and strengthen its efforts to develop a system for the comprehensive collection of disaggregated data which incorporates all areas of the Convention and covers all children below the age of 18 years, with specific emphasis on those who are in need of special protection. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP and UNICEF.

Resources for children

166. The Committee is aware of the economic and social challenges facing the State party, including high and increasing poverty levels as well as high debt payments and corruption, and welcomes in that regard the 2002 Poverty Reduction Strategy Paper (PRSP) and the establishment of a task force to fight corruption. It remains concerned, however, that in the implementation of the PRSP, with its orientation on enhancing growth, not enough attention will be paid to article 4 of the Convention which requires the allocation of budgets, at both the national and local levels, "to the maximum extent of ... available resources" for the implementation of the Convention.

167. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure the implementation of the economic, social and cultural rights of children, especially those belonging to socially, economically and geographically disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where

needed, within the framework of international cooperation.

Training and dissemination

168. The Committee notes with appreciation the initiatives of the State party to promote awareness of the principles and provisions of the Convention, and welcomes the translation of the Convention into the country's seven major national languages and the establishment of the National Committee for Human Rights Education. However, the Committee is concerned that professional groups, children, parents and the general public are still not sufficiently aware of the Convention and the rights-based approach enshrined therein. In addition, the Committee is concerned that the Convention is not sufficiently disseminated at the local level and among illiterate people.

169. The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike, in particular in rural areas. In this regard, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of childcare institutions. The Committee recommends that the State party continue to use creative tools for the dissemination of the Convention, notably with regard to illiterate people. In addition, the Committee recommends that the State party incorporate human rights, especially the Convention on the Rights of the Child, into the school curricula at all levels. The Committee suggests that the State party seek technical assistance from, among others, OHCHR, UNESCO and UNICEF.

2. Definition of the child

170. The Committee is concerned about the various legal minimum ages of majority, which are inconsistent, discriminatory and/or too low. In particular, the Committee is concerned that the Constitution defines a child as any person below the age of 15 years and that customary laws use the criterion of puberty to determine the end of childhood. The Committee is further concerned at the too low minimum age of criminal responsibility (8 years).

171. The Committee recommends that the State party take the necessary legislative measures:

- (a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;
- (b) To increase the legal age of criminal responsibility;
- (c) To review more generally its statutory legislation and customary law which set minimum ages that seem to be contradictory in various fields and may not comply with relevant provisions of the Convention.

3. General principles

Right of non-discrimination

172. The Committee notes that the Constitution enshrines general provisions against discrimination (arts. 11 and 23), although it does not always apply to foreigners, and that further legislation and policies are not in line with the general principle of non-discrimination. The Committee is concerned, however, that the principle of non-discrimination is not adequately implemented with respect to children belonging to the most vulnerable groups such as girls, children with disabilities, orphans, disadvantaged children, refugee children and children born out of wedlock.

173. 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;
- (b) Prioritize and target social services for children belonging to the most vulnerable groups.

174. 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

175. The Committee notes that the principle of the best interests of the child is taken into consideration in various pieces of legislation, but remains concerned that it is not fully taken into consideration in domestic law. The Committee also regrets that customary law and traditions are an impediment to the implementation of this principle.

176. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is appropriately integrated in all legislation, as well as judicial and administrative decisions and in projects, programmes and services which have an impact on children. The Committee encourages the State party to take all necessary measures to ensure that customary law does not impede the implementation of this general principle, notably through raising awareness among community leaders.

Respect for the views of the child

177. The Committee notes with appreciation the information in the written replies that the Head of State is committed to the establishment of a Youth Parliament, but remains concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, as illustrated, for example, by the information from the youth representative on the delegation that it is very difficult for children to talk with their parents about their rights.

178. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children in the best interests of the child, particularly at the local levels and in traditional communities, with the involvement of community leaders, and ensure that the views of the child are heard and taken into consideration, in accordance with their age and maturity, in families, communities, schools, care institutions, and the judicial and administrative systems. In this regard, the Committee recommends that the State party launch awareness-raising campaigns to change traditional attitudes which do not allow children to express their views, and encourages the State party to establish a Youth Parliament.

4. Civil rights and freedoms

Birth registration

179. The Committee takes note of the obligation to register all births officially and the efforts undertaken by the State party to encourage birth registration; however, the Committee remains concerned that less than 10 per cent of children were registered at birth in 1999, and even less in rural areas.

180. 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 (e.g. using the Day of the African Child); to reinforce its efforts to facilitate birth registration procedures; and to take measures to decentralize the system, consider introducing mobile registration units, and register without fees those children who were not registered at birth.

Corporal punishment

181. The Committee notes that the Constitutional Court has outlawed the practice of corporal punishment (*John Banda v. the People*, HPA/6/1998), but remains concerned that corporal punishment is still practised and accepted in schools, families, and care and juvenile detention institutions.

182. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, in schools and care institutions, as well as in families. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

Torture and ill-treatment

183. The Committee is deeply concerned about allegations of ill-treatment by law enforcement officers against street children and children in custody in police stations and other detention centres, despite the circular of 27 December 1999 ordering prison authorities to stop the practice of caning.

184. The Committee recommends that the State party:

- (a) Set up child-sensitive mechanisms to receive complaints against law enforcement officers regarding ill-treatment during arrest, questioning and police custody, and make sure that perpetrators are brought to justice;
- (b) Systematically train the police force and prison staff and other authorities on the human rights of children;
- (c) Ensure the physical and psychological recovery and social reintegration of child victims of such ill-treatment.

5. Family environment and alternative care

Parental responsibilities

185. The Committee is concerned that a large number of families are headed by single parents, mostly women, and/or AIDS orphans, many of them facing financial and other kinds of difficulties. The Committee is concerned at the lack of involvement of fathers in the upbringing and development of children.

186. The Committee recommends that the State party:

- (a) Take all necessary measures to provide assistance to single-parent and child-headed families in order to support them in bringing up their children and siblings, in light of article 18 (2) of the Convention;
- (b) Take the necessary measures to promote the involvement of fathers in the upbringing and development of their children.

Children deprived of a family environment

187. The Committee notes the information that children deprived of a family environment (orphans and other vulnerable children) should be cared for by the extended family and that foster care is supported by special fees paid to foster parents, but is concerned that these forms of alternative care are not sufficiently encouraged and supported.

188. The Committee recommends that the State party strengthen the capacity of the extended family and foster parents to take care of orphans and other vulnerable children by providing them with adequate financial and other support in the best interests of the child.

189. The Committee notes the existence of the Child Care Upgrading Programme (CCUP), but is concerned, inter alia in light of the increasing number of AIDS orphans, that a growing number of children are being placed in institutions and that there is a lack of disaggregated data in this regard, which makes it difficult to fully assess the need for institutional care and to develop effective policies. The Committee also notes with concern the absence of an independent complaints mechanism for children in alternative care institutions, the inadequate review of their placement in institutions, as

well as the lack of available trained personnel in this field.

190. The Committee recommends that the State party take all necessary measures to make institutional care a solution of last resort and to improve the quality of care, both in private and public institutions, via CCUP (registration, enforcement of quality standards). The Committee further recommends that the State party provide additional training, including in children's rights, for social and welfare workers, undertake periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.

Recovery of maintenance

191. While domestic legislation includes provisions for maintenance allowance (Affiliation and Maintenance of Children Act, Penal Code and Juveniles Act), the Committee is concerned at the lack of implementation of these provisions, mainly because of widespread ignorance of the law and limited enforcement of maintenance orders, notably when the parent concerned lives abroad.

192. The Committee recommends that the State party:

(a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially among 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 that courts implement more strictly the provisions regarding the recovery of allowances, particularly in case of solvent parents who refuse to pay;

(c) Consider ratifying the Hague Convention on the Law Applicable to Maintenance Obligations of 1973.

Adoption

193. The Committee notes that the Adoption Act of 1958 provides for the regulation of domestic and intercountry adoptions, but remains concerned that informal adoptions, which are generally not monitored with respect to the best interests and other rights of the child, are more widely accepted and practised within the State party.

194. In light of article 21 of the Convention, the Committee recommends that where adoption is considered, the State party encourage and promote formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and protect the rights of children. In light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Violence, including abuse, neglect, and maltreatment

195. The Committee notes the establishment of the Police Service Victim Support Unit, but remains concerned at the high incidence of all forms of violence and abuse within the family and in schools in the State party, the lack of statistical data, the lack of a comprehensive plan of action, and insufficient infrastructures. The Committee is further concerned that children refrain from speaking about abuse, including sexual abuse, because of the fears of negative consequences for themselves and others.

196. In light of articles 19 and 39 of the Convention, the Committee recommends that the State party:

- (a) Undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse within the family, in order to adopt comprehensive policies which will help to change attitudes and improve the prevention and treatment of cases of violence against children;
- (b) Consider introducing an effective system for reporting cases of abuse, including sexual abuse, of children;
- (c) Properly investigate cases of violence through a child-sensitive judicial procedure and impose sanctions on perpetrators, with due regard to the child's right to privacy;
- (d) Take measures to ensure the care and rehabilitation of victims as well as perpetrators;
- (e) Take measures to prevent the criminalization and stigmatization of child victims of abuse;
- (f) Seek technical assistance from, among others, UNICEF and UNDP.

6. Basic health and welfare

Right to health and access to health services

197. The Committee notes the efforts of the State party to improve health care for children through, inter alia, the National Health Strategic Plan 2000-2005 and the Integrated Management of Childhood Illnesses. However, the Committee is concerned about the insufficient number of trained medical personnel; the weakness of family planning services; the high maternal, child and infant mortality rates; the high incidence of malaria and acute respiratory infections; the fact that, in some instances, male circumcision is carried out in unsafe medical conditions; and the poor sanitation and limited access to safe drinking water, especially in rural areas.

198. The Committee recommends that the State party:

- (a) Strengthen 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 free primary health services; reduce the incidence of maternal, child

and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; reinforce family planning services; ensure the health of boys and protect them against unsafe circumcision; and increase access to safe drinking water and sanitation;

(c) Pursue additional avenues for cooperation and assistance for child health improvement with, among others, WHO and UNICEF.

Adolescent health

199. The Committee is concerned that insufficient attention has been given 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 very high percentage of early marriages and early pregnancies, which have a negative impact on their health and development.

200. The Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted diseases (STDs), HIV/AIDS and early pregnancies, especially through reproductive health education and child-sensitive counselling services;

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

HIV/AIDS

201. The Committee notes the existence of the National Steering Committee on Orphans and Vulnerable Children and the recent adoption of the National HIV/AIDS/STI/TB Council Act No. 10 of 2002, but remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the insufficiency of alternative care for these children.

202. The Committee recommends that the State party:

(a) In light of the Committee's general comment No. 3 on HIV/AIDS and the rights of the child, as well as the Guidelines on HIV/AIDS and Human Rights of 1996, increase its efforts to prevent HIV/AIDS;

(b) Continue to 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 a family life, adoption, emotional care and education;

- (c) Involve children in formulating and implementing preventive and protective policies and programmes;
- (d) Regularly monitor the National HIV/AIDS Policy to better assess its progress;
- (e) Seek further technical assistance from, among others, UNAIDS and UNICEF.

Children with disabilities

203. The Committee is concerned at the lack of a comprehensive policy for disabled children, the lack of statistical data and the existence of discrimination, which is still widespread. Concern is also expressed at the limited facilities and services for children with disabilities and at the limited number of trained teachers to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion into the educational system and generally within society. The Committee also notes with concern that inadequate resources have been allocated to special education programmes for children with disabilities.

204. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party:

- (a) Establish a comprehensive policy for children with disabilities;
- (b) Take effective measures to collect adequate and disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to prevent disabilities and to assist disabled children;
- (c) Reinforce its efforts to develop early detection programmes to prevent and remedy disabilities;
- (d) Establish special education programmes for disabled children and include them in the regular school system to the extent possible;
- (e) Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns;
- (f) Increase resources, both financial and human, for special education, including vocational training, and the support given to families of children with disabilities;
- (g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO.

Standard of living

205. The Committee is concerned about the widespread poverty, especially among female-headed households, in the State party and the increasingly high number of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines.

206. The Committee takes note of the efforts undertaken by the State party and recommends that, in accordance with article 27 of the Convention, the State party strengthen its efforts to provide support and material assistance to economically disadvantaged families, notably female-headed households, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its poverty reduction strategy and all other programmes intended to improve the standard of living in the country.

7. Education, leisure and cultural activities

207. The Committee notes the adoption of the National Policy on Education (1996), the Basic Education Subsector of the Education Programme, the Zambian Education Capacity-Building Programme, and the Programme for the Advancement of Girl Child Education. However, the Committee remains concerned that primary education is not free and compulsory and that the illiteracy rate is high within the State party. The Committee is also concerned at the decreasing budget allocation to education, gender and regional disparities in enrolment in schools, absenteeism, the high dropout (especially among girls) and repeat rates, the poor quality of education, the insufficient number of trained teachers, insufficient schools and classrooms, the lack of relevant learning material and the limited access to pre-school education, notably in rural areas. In light of article 29 (1) of the Convention, the Committee is also concerned about the quality of education within the State party. The Committee notes with concern the reported incidents of physical and sexual abuse of children within the school environment.

208. The Committee recommends that the State party:

- (a) Ensure free and compulsory primary education;
- (b) Progressively ensure that girls and boys, as well as children from urban, rural and least developed areas, have equal access to educational opportunities;
- (c) Take the necessary measures to improve the quality of education and to improve internal efficiency in the management of education, notably by decreasing the dropout rate, especially for girls;
- (d) Build better infrastructure for schools and provide appropriate training for teachers;
- (e) Increase resources for education to help children to go to school, including secondary school;
- (f) Orient education towards the aims stated in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education and introduce human rights, including children's rights, into the school curricula;

- (g) Raise awareness about the importance of early childhood education and introduce it into the general framework of education;
- (h) Provide children with a safe school environment by, inter alia, taking all necessary steps to prevent abuse and exploitation of children by school personnel, taking effective disciplinary measures against school personnel who have committed those offences and encouraging the reporting of these incidences to the competent authorities, notably through child-sensitive structures for complaints;
- (i) Encourage participation by children at all levels of school life;
- (j) Seek assistance from UNICEF and UNESCO.

8. Special protection measures

Refugee children

209. The Committee welcomes the efforts undertaken by the State party to integrate refugee children into the society in spite of the difficult economic situation. It nevertheless remains concerned about the difficult situation encountered by child refugees and their families, e.g. in the areas of health care and education.

210. The Committee recommends that the State party strengthen the legal protection of refugee children. The Committee encourages the State party to continue and expand its cooperation with international agencies such as, UNHCR and UNICEF.

Children and military service

211. The Committee is concerned that the minimum age for voluntary recruitment in the armed forces according to the current legislation is the “apparent age of 18 years”.

212. The Committee recommends that the State party amend its legislation and take all necessary measures to ensure that the minimum age for military recruitment is strictly fixed by law and leaves no room for interpretation.

Economic exploitation, including child labour

213. The Committee notes the signing of a memorandum of understanding with ILO/IPEC on the National Programme on the Elimination of Child Labour in 2000 and the first results of this programme, such as the withdrawal of 1,481 children from the worst forms of child labour, as indicated in the written replies. The Committee nevertheless remains concerned at the large number of working children in the State party.

214. The Committee recommends that the State party:

- (a) Pursue and strengthen its effort to implement its National Programme on the Elimination of

Child Labour;

- (b) Reinforce monitoring mechanisms to ensure that labour laws are enforced and that children are protected from economic exploitation, particularly in the informal sectors, and pursue its efforts to withdraw children from the worst forms of child labour and take all necessary measures to rehabilitate them, notably through education;
- (c) Continue to seek assistance from ILO/IPEC and UNICEF.

Sexual exploitation/sale and trafficking

215. The Committee is concerned about the large and increasing number of child victims of commercial sexual exploitation, including for prostitution and pornography, especially among girls, child orphans and other disadvantaged children. 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.

216. 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 for prostitution and pornography, and implement appropriate gender-sensitive policies and programmes for its prevention 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.

Substance abuse

217. The Committee notes the launch of the National Education Campaign by the Drug Enforcement Commission but remains concerned at the practice of substance abuse by children, the lack of statistics on this issue and the limited capacities of the specific institutions in the State party to treat drug-addicted children.

218. The Committee recommends that the State party strengthen its efforts to prevent substance abuse by children, giving particular attention to vulnerable groups; make additional efforts to monitor the incidence of substance abuse and to keep accurate statistics on the phenomenon; and develop mechanisms and structures through which assistance, including health and rehabilitative assistance, can be provided to children who abuse substances.

Street children

219. The Committee expresses grave concern at the high and increasing number of street children. In particular, the Committee notes their limited access to health, education and other basic social services as well as their vulnerability to police brutality, sexual abuse and exploitation.

220. The Committee recommends that the State party:

- (a) Undertake a study to assess the scope and the causes of this phenomenon and consider establishing a comprehensive strategy to address the high and increasing number of street children, with the aim of preventing and reducing this phenomenon;
- (b) Ensure that street children are provided with preventive and rehabilitative services for physical, sexual and substance abuse, protection from police brutality and services for reconciliation with their families, and that perpetrators of violence against street children are prosecuted and punished;
- (c) Take all effective measures to ensure that street children are provided with adequate food, clothing, housing, health care and educational opportunities, including vocational and life-skills training, to support their full development.

Children in conflict with the law

221. The Committee notes the establishment of the Child Justice Forum and the Pilot Arrest, Reception and Referral Services. However, it is deeply concerned at the possibility that a child may be sentenced at the President's pleasure. The Committee is also concerned at the low age of criminal responsibility, the absence of juvenile courts and juvenile judges, the detention of children with adults, the lack of social workers, the very poor conditions of detention, due mainly to overcrowding, the frequent recourse to and excessive length of pre-trial detention, the very limited rehabilitation and reintegration services for juveniles following judicial proceedings and the limited training of judges, prosecutors and prison staff.

222. The Committee recommends that the State party take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 39 and 40 with other United Nations standards in this field, such 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), 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.

223. In addition, the Committee specifically recommends that the State party:

- (a) Prohibit the use of penalty at the President's pleasure;
- (b) Raise the age of criminal responsibility;
- (c) Establish an adequate number of juvenile courts all over the country and appoint trained juvenile judges;
- (d) Ensure that the right of children to legal representation or other appropriate assistance is guaranteed;
- (e) Ensure that detention, including pre-trial detention, is used only as a measure of last resort

and with due consideration for the seriousness of the crime, and that greater efforts be made to provide alternatives to detention;

- (f) Separate children from adults in prison and in pre-trial detention places all over the country;
- (g) Strengthen rehabilitation and reintegration programmes;
- (h) Ensure that the right to privacy of juvenile offenders is guaranteed and take all necessary measures to ensure that the identity of the juvenile offender is not revealed by the media;
- (i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice, including journalists;
- (j) Consider seeking technical assistance.

9. Optional Protocols

224. The Committee notes that the State party has not signed the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

225. The Committee encourages the State party to sign, ratify and implement 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. Dissemination of documentation

226. 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.

11. Periodicity of submission of reports

227. In light of the recommendation on reporting periodicity adopted by the Committee (CRC/C/127), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in

order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second, third and fourth periodic reports in one consolidated report by 4 January 2009, date on which the fourth report is due. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.