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REPORT ON THE THIRTY-THIRD SESSION

(Geneva, 19 May - 6 June 2003)

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 6 June 2003, the closing date of the thirty-third session of the Committee on the Rights of the Child, there were 192 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. An updated list of States that have signed, ratified or acceded to the Convention is available on: www.ohchr.org.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 52 States parties and signed by 111 States. The Optional Protocol entered into force on 12 February 2002. Also at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 53 States parties and signed by 105 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. An updated list of States that have signed, ratified or acceded to the Convention is available on: www.ohchr.org.

3. The texts of the declarations, reservations or objections made by States parties with respect to the Convention are reproduced in document CRC/C/2/Rev.8.

4. On 18 November 2002, the amendment to article 43, paragraph 3, of the Convention increasing the membership of the Committee from 10 to 18 members (resolution 50/155) entered into force. New members of the Committee were elected at the Ninth Meeting of States parties that took place on 10 February 2003 at United Nations Headquarters (see also paragraph 10 below).

B. Opening and duration of the session

5. The Committee on the Rights of the Child held its thirty-third session at the United Nations Office at Geneva from 19 May to 6 June 2003. The Committee held 26 meetings (863rd-889th). An account of the Committee's deliberations at its thirty-third session is contained in the relevant summary records (CRC/C/SR.863; 865-876; 879-886; and 889).

C. Membership and attendance

6. All the members of the Committee attended the thirty-third session. A list of the members, together with an indication of the duration of their terms of office, is provided in annex I to the present report. Mrs. Awa N'Deye Ouedraogo, Ms. Saisuree Chutikul, Ms. Marilia Sardenberg and Ms. Lucy Smith were not able to attend the session in its entirety.

7. The following United Nations bodies were represented at the session: Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR).

8. The following specialized agencies were also represented at the session: International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO).

9. Representatives of the following non-governmental organizations were also in attendance at the session:

General consultative status

International Council of Women, International Movement ATD Fourth World, Zonta International.

Special consultative status

Arab Organization for Human Rights, Amnesty International, Coalition against Trafficking in Women, Defence for Children International, Friends World Committee for Consultation (Quakers), International Commission of Jurists, International Confederation of Free Trade Unions, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, International Social Service, World Federation of Methodist and Uniting Church Women, World Organization against Torture.

Others

NGO Group for the Convention on the Rights of the Child, NGO Working Group for Nutrition, International Baby Food Action Network.

D. Solemn declaration

10. At the 863rd meeting, held on 19 May 2003, those members who were elected at the Ninth Meeting of States parties (Ms. Joyce Aluoch, Mr. Kamel Filali, Ms. Moushira Khattab, Mr. Hatem Kotrane, Mr. Lothar Krappmann, Ms. Yanghee Lee, Mr. Norberto Liwski, Ms. Rosa Maria Ortiz, Ms. Lucy Smith, Ms. Marjorie Taylor and Ms. Nevena Vuckovic-Sahovic) made a solemn declaration in accordance with rule 15 of the provisional rules of procedure. The re-elected members, Mr. Jakob Egbert Doek and Ms. Awa N'Deye Ouedraogo also made their solemn declaration at the same meeting.

E. Election of officers

11. At the same meeting, the Committee elected the following officers for a term of two years in accordance with rule 16 of the provisional rules of procedure:

Chairperson:	Mr. Jakob Egbert Doek	(Netherlands)
Vice-Chairpersons:	Ms. Marilia Sardenberg	(Brazil)
	Ms. Joyce Aluoch	(Kenya)
	Ms. Saisuree Chutikul	(Thailand)
Rapporteur:	Ms. Moushira Khattab	(Egypt)

F. Agenda

12. Also at the 863rd meeting, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/128):

1. Adoption of the agenda.
2. Solemn declaration by the newly elected members of the Committee.
3. Election of the officers of the Committee.
4. Organizational matters.
5. Submission of reports by States parties.
6. Consideration of reports of States parties.
7. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
8. Methods of work of the Committee.
9. General comments.
10. Future meetings.
11. Other matters.

G. Pre-sessional working group

13. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 3 to 7 February 2003. All the members except Mr. Luigi Citarella, Ms. Judith Karp and Ms. Awa N'Deye Ouedraogo participated in the working group. Representatives of OHCHR, ILO, UNICEF, UNESCO, UNHCR and WHO also participated. A representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives from various national and international non-governmental organizations, also attended.

14. The purpose of the pre-sessional working group is to facilitate the Committee's work under articles 44 and 45 of the Convention, primarily by reviewing State party reports and identifying in advance the main questions that would need to be discussed with the representatives of the reporting States. It also provides an opportunity to consider questions relating to technical assistance and international cooperation.

15. Mr. Doek chaired the pre-sessional working group. The group held eight meetings, at which it examined lists of issues put before it by members of the Committee relating to the initial reports of four countries (Eritrea, Zambia, Solomon Islands and Kazakhstan) and the second periodic reports of six countries (Cyprus, Sri Lanka, Libyan Arab Jamahiriya, Jamaica,

Morocco and Syrian Arab Republic). The lists of issues were transmitted to the Permanent Missions of the States concerned with a note requesting written answers to the issues raised in the list, if possible, before 4 April 2003.

H. Organization of work

16. The Committee considered the organization of its work at its 863rd meeting, held on 19 May 2003. The Committee had before it the draft programme of work for the thirty-third session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirty-second session (CRC/C/124).

I. Future regular meetings

17. The Committee noted that its thirty-fourth session would take place from 15 September to 3 October 2003 and that the pre-sessional working group for the thirty-fifth session would meet from 6 to 10 October 2003.

II. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

18. The Committee had before it the following documents:

(a) Notes by the Secretary-General on initial reports by States parties due in 1992 (CRC/C/3), 1993 (CRC/C/8/Rev.3), 1994 (CRC/C/11/Rev.3), 1995 (CRC/C/28), 1996 (CRC/C/41), 1997 (CRC/C/51), 1998 (CRC/C/61) and 1999 (CRC/C/78); and on periodic reports of States parties due in 1997 (CRC/C/65), 1998 (CRC/C/70), 1999 (CRC/C/83), 2000 (CRC/C/93), 2001 (CRC/C/104) and 2002 (CRC/C/117);

(b) Note by the Secretary-General on the States parties to the Convention and the status of submission of reports (CRC/C/127);

(c) Note by the Secretary-General on the follow-up to the consideration of initial reports by States parties to the Convention (CRC/C/27/Rev.11);

(d) Note by the Secretary-General on areas in which the need for technical advice and advisory services has been identified in the light of the observations adopted by the Committee (CRC/C/40/Rev.20);

(e) Methods of work of the Committee: Compilation of the conclusions and recommendations adopted by the Committee on the Rights of the Child (CRC/C/19/Rev.11).

19. The Committee was informed that, in addition to the nine reports that were scheduled for consideration by the Committee at its current session and those which had been received prior to

the Committee's thirty-second session (see CRC/C/124, paragraph 17), the Secretary-General had received the initial report of Sao Tome and Principe (CRC/C/8/Add.49), Botswana (CRC/C/51/Add.9) and Antigua and Barbuda (CRC/C/28/Add.22), the second periodic reports of Ecuador (CRC/C/65/Add.28), Belize (CRC/C/65/Add.29), Nepal (CRC/C/65/Add.30), Philippines (CRC/C/65/Add.31), Mongolia (CRC/C/65/Add.32), and the third periodic reports of Norway (CRC/C/129/Add.1), Nicaragua (CRC/C/125/Add.3) and Yemen (CRC/C/129/Add.2).

20. As at 6 June 2003, the Committee had received 176 initial, 75 second periodic and 5 third periodic reports. A total of 197 reports (166 initial and 31 second periodic) have been considered by the Committee.

21. At its thirty-third session, the Committee examined initial and second periodic reports submitted by 10 States parties under article 44 of the Convention. It devoted 20 of its 26 meetings to the consideration of reports (see CRC/C/SR.865-876; 879-886 and 889). The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirty-third session: Eritrea (CRC/C/41/Add.12); Cyprus (CRC/C/70/Add.16); Zambia (CRC/C/11/Add.25); Sri Lanka (CRC/C/70/Add.17); Solomon Islands (CRC/C/51/Add.6), Libyan Arab Jamahiriya (CRC/C/93/Add.1); Jamaica (CRC/C/70/Add.15); Morocco (CRC/C/93/Add.3); Syrian Arab Republic (CRC/C/93/Add.2); Kazakhstan (CRC/C/41/Add.13).

22. In a letter dated 9 May 2003 the Government of Italy submitted its observations to the Committee concerning the concluding observations (CRC/C/15/Add.198) adopted at its thirty-second session.

23. In accordance with rule 68 of the provisional rules of procedure of the Committee, representatives of all the reporting States were invited to attend the meetings of the Committee at which their reports were examined.

24. The following sections, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain concluding observations reflecting the main points of discussion and indicating, where necessary, issues that require specific follow-up. More detailed information is contained in the report submitted by the States parties and in the summary records of the relevant meetings of the Committee.

B. Consideration of reports

Concluding observations: Eritrea

25. The Committee considered the initial report of Eritrea (CRC/C/41/Add.12) at its 865th and 866th meetings (see CRC/C/SR.865 and 856), held on 20 May 2003 and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

26. The Committee welcomes the submission of the State party's comprehensive and well-written initial report, as well as the detailed written replies to its list of issues (CRC/C/Q/ERI/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

27. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

- (a) To reduce child mortality by over 50 per cent and increase immunization coverage from 10 to 60 per cent;
- (b) To increase enrolment and literacy rates, and the introduction of the mother tongue as a language of instruction in primary schools;
- (c) To develop programmes to improve girls' access to education, including through participation in the African Girls Education Initiative;
- (d) To develop a strategy and programmes to combat female genital mutilation;
- (e) To provide alternative care, while avoiding institutionalization, of children that have been orphaned due to past armed conflicts.

28. The Committee welcomes the State party's accession in 2001 to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 2001 and its ratification of ILO Convention, 1973 (No. 138) in 2000.

C. Factors and difficulties impeding the implementation of the Convention

29. The Committee recognizes that the continuing effects of past armed conflicts as well as the current drought, poverty and structural adjustment programmes present difficulties with respect to the full implementation of the Convention in the State party.

D. Principle subjects of concern and recommendations

1. General measures of implementation

Legislation

30. The Committee welcomes the creation of the Child Law Committee to examine the compatibility of domestic legislation with the Convention and also notes that the new Constitution generally conforms to the principles and provisions of the Convention. However,

the Committee remains concerned that to a large extent customary laws and traditions, and in some cases newly enacted legislation and transitional codes still in force, do not fully reflect the principles and provisions of the Convention.

31. The Committee recommends that the State party review transitional legislation, customary and local laws and adopt all necessary measures to ensure their compatibility with the principles and provisions of the Convention. The Committee also recommends that the State party ensure that legislation is effectively implemented.

Coordination and national plans of action

32. The Committee welcomes the adoption of the National Programme of Action on Children for the periods 1996-2000 and 2002-2006 and the establishment of the National Committee on the Rights of the Child to coordinate activities for the implementation of the Convention. However, the Committee is concerned that this mechanism does not have sufficient resources to carry out its mandate.

33. The Committee recommends that the State party strengthen the National Committee on the Rights of the Child, in particular its capacity to coordinate activities at both the national and local level. Sufficient financial and human resources should be allocated to the coordination mechanism and to the National Programme of Action on Children and, if necessary, the State party should seek international assistance in this regard.

Independent monitoring

34. The Committee is concerned at the absence of an independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.

35. Taking into account its general comment No. 2 on national human rights institutions, the Committee encourages the State party to pursue efforts to establish an independent and effective mechanism in accordance with the Paris Principles, and that is provided with adequate human and financial resources and easily accessible to children, to monitor the implementation of the Convention, deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention.

Resources for children

36. While noting the increased investment in social services infrastructure following the peace agreement, the Committee is concerned that budgetary allocations and international development assistance are insufficient to respond to national and local priorities for the promotion and protection of children's rights.

37. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to the implementation of the economic, social and cultural rights of children, in particular those

belonging to economically disadvantaged groups, “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. Furthermore, the Committee calls on both the State party and international donors to reopen their dialogue, in particular with regard to programmes for the implementation of children’s rights.

Data collection

38. The Committee regrets the lack of comprehensive and up-to-date statistical data in the State party’s report.

39. **The Committee recommends that the State party develop a system of data collection that covers all areas of the Convention and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should consider seeking technical assistance from UNICEF, among others.**

Cooperation with civil society

40. The Committee notes with appreciation the national commitment to children’s rights and the cooperation existing between the Government and national civil society organizations in this regard. At the same time, it notes with concern that the State party has strictly limited its cooperation with international civil society since 1997.

41. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party promote closer cooperation with NGOs and consider involving more systematically international NGOs, especially rights-based ones, and other sectors of civil society working with and for children throughout all stages of the implementation of the Convention.**

2. Definition of the child

42. The Committee notes with appreciation that both the Transitional Civil Code of Eritrea and the draft Civil Code define children as all persons under the age of 18, and that the Constitution states that men and women of full legal age shall have the right, upon their consent, to marry and found a family freely. Nevertheless, the Committee is concerned that customary law does not have the same minimum age of marriage, and in practice many children are married between the ages of 13 and 15.

43. **The Committee recommends that the State party develop sensitization programmes involving community, traditional and religious leaders as well as society at large, including children themselves, to enforce legislation and curb the practice of early marriage.**

3. General principles

Discrimination

44. The Committee is concerned that, as noted by the State party, societal discrimination persists against vulnerable groups of children, including girls, children with disabilities, AIDS orphans and children born out of wedlock.

45. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.**

46. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention 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

47. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, in particular in customary law.

48. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, judicial or other decisions are made. It further recommends that the State party collaborate with local authorities, NGOs and community leaders to develop awareness-raising campaigns regarding the general principle of acting in the best interest of the child.**

Respect for the views of the child

49. The Committee notes with concern that the Transitional Civil Code guarantees the right to be heard only to children who have attained the age of 15 and that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, in particular for girls.

50. **The Committee recommends that the State party amend its legislation to fully reflect article 12 of the Convention so that any child “who is capable of forming his or her own views” can express those views freely, including in all administrative and judicial proceedings affecting them. It also recommends that the State party develop a nationwide campaign to increase public awareness of the participatory rights of children, particularly at the local levels and in traditional communities, and encourage respect for the views of the child in families, schools, and the care, administrative and judicial systems.**

4. Civil rights and freedoms

Birth registration

51. The Committee is concerned that although parents are required by law to register the birth of their children, a significant number of children are not registered at birth.

52. **In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure that all children are registered at birth, inter alia, by eliminating administrative costs for parents, conducting awareness-raising campaigns and establishing mobile registration units in rural areas. The Committee also recommends that the State party undertake similar measures to register all children who were not registered at birth. In this regard, the State party should consider seeking technical assistance from UNICEF, the United Nations Population Fund (UNFPA) and other potential donors.**

Freedom of expression and religion

53. The Committee, noting that the State party's Constitution guarantees the right to freedom of expression and religion, is concerned at reports that measures affecting children and young people were taken against students and religious groups, indicating that these rights were not fully upheld.

54. **The Committee recommends that the State party take all necessary measures to ensure that these rights are fully respected for all children, as stipulated in the Convention, and that violations of the freedom of expression and religion are prevented.**

Violence, including ill-treatment

55. The Committee is concerned at the lack of data on ill-treatment of children, including child abuse and corporal punishment. It also notes with concern that corporal punishment is not expressly prohibited by law and is widely practised in the home and in institutions.

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

(a) Establish a mechanism to collect data on the victims and perpetrators of abuse, disaggregated by gender and age, in order to assess properly the extent of the problem and to design policies and programmes to address it;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children and, in collaboration with community leaders and others, promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(c) Expressly prohibit by law corporal punishment in the home, schools and other institutions;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints of abuse, including intervening where necessary, and ensure that victims have access to assistance for their recovery;

(e) Seek technical assistance from, among others, UNICEF in this regard.

5. Family environment and alternative care

Parental responsibilities

57. The Committee notes with appreciation that the Constitution accords both parents equal rights and duties within the family, yet it is concerned that the Transitional Civil Code and customary laws do not generally recognize the principle enshrined in article 18 of the Convention “that both parents have common responsibilities for the upbringing and development of the child”, particularly with regard to the custody of children in divorce.

58. The Committee recommends that the State party ensure that, when judicial proceedings or family councils decide to grant one parent custody of the child, the decision is taken on the basis of the best interest and with the participation of the child. The State party should also ensure that both parents are adequately informed of their rights and responsibilities, particularly in the case of divorce.

Alternative care and adoption

59. The Committee welcomes the State party’s efforts to place orphans with their extended families while providing these families, in particular female-headed households, with financial assistance. The Committee also welcomes the information provided during the dialogue that the criteria for potential adoptive families are not as narrow as presented in the State party report (para. 169). The Committee welcomes the State party’s efforts to phase out large-scale orphanages and other institutions and to place children in group homes only as a last resort, but remains concerned that existing services are insufficient to provide for the large number of orphans, including AIDS orphans, and unaccompanied refugee or displaced children.

60. The Committee recommends that the State party continue to strengthen and expand its efforts to place children in need of alternative care with their extended families and to promote adoption of these children when appropriate. The Committee also recommends that the State party continue and expand as necessary its programme for the establishment of children’s group homes, and seek international assistance in this regard.

Child abuse

61. The Committee notes with concern that there is no information available on the various forms of child abuse in the family and that legislation does not provide for effective protection of children from sexual and physical abuse.

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

(a) **Reform its legislation on abuse in the family to expressly prohibit sexual and physical abuse;**

(b) **Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective policies and programmes to combat all forms of abuse;**

(c) **Develop an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases in a manner which is child-sensitive and ensures the victim's privacy;**

(d) **Set up a comprehensive nationwide response system to provide, as appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance for their recovery and reintegration, while preventing stigmatization of victims of abuse;**

(e) **Seek technical assistance from, among others, UNICEF and the United Nations Development Programme (UNDP), in this regard.**

6. Basic health and welfare

63. The Committee notes with appreciation the State party's programme to extend health services which has increased access from 10 to 70 per cent of the population since independence in 1991, as well as its programme of cooperation with UNICEF in the area of health and health services. However, the Committee is concerned at the high rate of child and infant mortality due to acute respiratory infections, diarrhoeal diseases, malaria and malnutrition. It is further concerned that a considerable number of families lack access to safe drinking water and sanitation facilities, which contributes to the spread of communicable diseases.

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

(a) **Continue to expand access to health services, in particular in rural areas, and increase the skills of health personnel with a view to reducing infant mortality rates;**

(b) **Continue to strengthen the implementation of existing health policies and programmes, in particular the National Policy on Breastfeeding and Weaning Practices (1995) and the Eritrean Rural Water Supply and Environmental Sanitation Programme;**

(c) **Expedite the adoption of the draft Marketing of Infant and Young Child Foods Act.**

Adolescent health

65. The Committee is concerned at the lack of available data regarding the prevalence of substance abuse, tobacco use and suicide. It is also concerned about the growing problem of sexually transmitted infections (STIs) among adolescents.

66. The Committee recommends that the State party take all necessary measures to assess the prevalence of substance abuse, tobacco use and suicide and take effective measures to prevent and treat health problems affecting adolescents, including the spread of STIs, through, inter alia, sex education, counselling and availability of condoms.

HIV/AIDS

67. The Committee is concerned about the rapid spread of HIV/AIDS within the State party.

68. The Committee recommends that the State party actively pursue its ongoing activities in collaboration with UNICEF to counter HIV/AIDS and integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex) and the Committee's general comment No. 3 on HIV/AIDS and the rights of the child.

Harmful traditional practices

69. While the Committee notes with appreciation the adoption of a strategy to eliminate female genital mutilation (FGM), it is very concerned at the widespread practice of FGM, which affects almost 90 per cent of girls in the State party. It is also concerned about other harmful traditional practices, including early marriage, which contributes to the high rate of maternal mortality.

70. The Committee recommends that the State party continue to strengthen the implementation of its Strategy to Eliminate Female Genital Mutilation (1999) and undertake legislative reform to expressly prohibit the practice. It also recommends that the State party undertake similar educational and awareness programmes, in cooperation with NGOs and community leaders, with regard to other harmful traditional practices such as early marriage.

Children with disabilities

71. The Committee welcomes the information provided by the State party during the dialogue that it has drafted a National Child and Family Welfare Policy, which includes measures to integrate children with disabilities into the education system. Yet, it remains concerned that children with disabilities often suffer from societal discrimination and that a significant proportion do not attend school or participate in social and cultural life.

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

(a) Adopt and implement the draft National Policy on Persons with Disability, which should include measures to educate the public about ways to prevent disability, and ensure that children's rights are adequately integrated into the policy;

(b) Adopt and implement the draft National Child and Family Welfare Policy;

(c) Continue to strengthen efforts to combat discriminatory attitudes towards children with disabilities, particularly amongst children and parents, and promote their participation in all aspects of social and cultural life;

(d) Formulate a programme that includes appropriate teacher training in order to ensure that all children with disabilities have access to education, including vocational training, and that wherever possible they are integrated into the mainstream education system.

Standard of living

73. The Committee is concerned at the inadequate standard of living which hampers the respect for and fulfilment of the rights of children and the ability of their families to provide them with adequate protection.

74. **The Committee recommends that the State party formulate a national strategy to combat poverty, with due emphasis on monitoring the impact on the rights of children, and that it allocate sufficient human and financial resources, including through international assistance, to ensure the implementation of its strategy.**

7. Education, leisure and cultural activities

75. The Committee is encouraged by the State party's efforts to increase enrolment rates in basic education, reduce illiteracy, promote cultural and recreational activities and provide education in the native language of all nine ethnic groups. However, it is concerned that enrolment and literacy levels are still low, particularly in secondary and pre-primary education, and that there is a significant disparity between the number of boys and girls in school. It also notes with concern that there are few trained teachers and limited opportunities for teachers to upgrade their skills.

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

(a) Continue to strengthen measures aimed at increasing enrolment rates in primary and basic education, in particular for girls;

(b) Undertake additional efforts to increase the budget for education;

(c) Continue its activities in the area of cultural and recreational activities;

(d) Expand public provision of early childhood education, in particular in rural areas, and increase the number of trained pre-school teachers, and raise awareness amongst parents of the value of early childhood education;

(e) Prioritize and continue to strengthen and expand efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups for education in mother-tongue programmes;

(f) Include human rights education as part of the curriculum.

8. Special protection measures

Children affected by armed conflict, including refugee and displaced children

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. **The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:**

(a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;

(b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

(c) Develop administrative structures and procedures for processing asylum-seekers, including children;

(d) Seek international support and technical assistance, where possible, from United Nations agencies, in particular UNHCR, and NGOs to expedite the process of demining and the social reintegration and, when necessary, rehabilitation of all victims of recent armed conflicts.

Economic exploitation

79. The Committee welcomes the State party's ratification of ILO Convention No. 138 in 2000. Nevertheless, it remains concerned at the significant number of children working on the street, in the agricultural sector and as domestic servants.

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

(a) **Undertake a survey of the number of children working as domestic servants and in the agricultural sector in order to design and implement policies to prevent and combat economic exploitation of children in these sectors;**

(b) **Continue to strengthen the implementation of the Street Children Rehabilitation Programme;**

(c) **Ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).**

Sexual exploitation

81. Although the State party recognizes that prostitution, including child prostitution, is not a serious problem, the Committee notes with concern the lack of specific data on the commercial sexual exploitation of children.

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

(a) **Expedite the adoption and implementation of the Eritrean Child Law and the National Plan of Action to Rehabilitate Commercial Sex Workers;**

(b) **Undertake a study of children involved in the commercial sex industry and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a National Plan of Action on Commercial Sexual Exploitation of Children as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children held in 1996 and 2001;**

(c) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim;**

(d) **Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims;**

(e) **Cooperate with countries in the region to combat commercial sexual exploitation and trafficking of children.**

Juvenile justice

83. The Committee is concerned that the minimum age of criminal responsibility of 9 years is too low; that children between the ages of 15 and 18 in conflict with the law are tried as adults; and that juvenile offenders who have been deprived of their liberty are not separated from adults and there are no programmes for their rehabilitation and integration.

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

(a) **Ensure that juvenile justice standards are fully adhered to, in particular articles 37, 39 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);**

(b) **Ensure, as a matter of urgency, that juveniles in detention are kept separately from adults;**

(c) **Set a clear minimum age of criminal responsibility which is at an internationally acceptable level;**

(d) **Ensure that all children from that minimum age till the age of 18 are accorded the special protection guaranteed under the Convention;**

(e) **Establish juvenile courts;**

(f) **Seek technical assistance from, among others, UNICEF and OHCHR in reforming the juvenile justice system, in particular with regard to juvenile detention and rehabilitation services.**

9. Optional Protocols

85. **The Committee notes that the State party has not ratified 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.**

86. **The Committee recommends that the State party ratify the Optional Protocol 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.**

10. Dissemination of documents

87. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that 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 concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**

11. Next report

88. **In light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see CRC/C/114), the Committee 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 parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. 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 and third periodic reports in one consolidated report by 1 September 2006, date on which of the third periodic report is due. This consolidated 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.

Concluding observations: Cyprus

89. The Committee considered the second periodic report of Cyprus (CRC/C/70/Add.16) at its 867th and 868th meetings (see CRC/C/SR.867 and 868), held on 21 May 2003, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

90. The Committee, while welcoming the submission of the State party's second periodic report, regrets that it was rather legalistic, did not address practical aspects of implementation and was not prepared in accordance with the general guidelines regarding the form and contents of periodic reports (CRC/C/58). The Committee welcomes the timely submission of the written replies to its list of issues (CRC/C/Q/CYP/2) and the updated replies, which give a clearer picture of the situation of children's rights in the State party. It further notes with appreciation the high-level delegation sent by the State party and the informative and positive dialogue that took place.

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

91. The Committee is encouraged by the improved health indicators, in particular the infant mortality rate and the under-5 mortality rate, as well as the improvement of indicators in the area of education. It is further encouraged by efforts to make the Convention widely known and the inclusion of children's rights in the curricula of schools at all levels.

92. The Committee welcomes the accession of Cyprus to the European Union which will become effective on 1 May 2004.

C. Factors and difficulties impeding the implementation of the Convention

93. The Committee notes that the State party, as a consequence of events that occurred in 1974 and that resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. However, it remains a matter of concern to the Committee that no information on children living in the occupied territories could be provided.

D. Principal subjects of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

94. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.59) it made upon consideration of the State party's initial report (CRC/C/8/Add.24) have been insufficiently addressed, particularly those contained in paragraphs 21, 31 and 32. Those concerns and recommendations are reiterated in the present document.

95. 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 report.

Legislation and implementation

96. The Committee, while taking note of amendments to domestic legislation, nevertheless remains concerned that all domestic laws still do not fully comply with the provisions and principles of the Convention. The Committee is encouraged by the establishment in 2002 of an inter-ministerial committee tasked with incorporating the provisions of the Convention into the existing legislation concerning children.

97. The Committee recommends that the State party take effective measures to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention, in particular in the area of juvenile justice. In this regard, the inter-ministerial committee should be well resourced and should develop and implement a time-bound plan of action for the incorporation of the Convention into domestic law.

Implementation, coordination, evaluation and national plan of action

98. The Committee welcomes the decision of the Council of Ministers of 30 August 2002 to establish a Central Committee for the implementation of the Convention, regretting, however, that it lacks the power to coordinate governmental activities with regard to that implementation.

99. The Committee is encouraged that a new plan of action, based on the outcome document of the United Nations General Assembly special session on children, will be prepared by the end of 2003.

100. The Committee recommends that the State party ensure:

(a) That the Central Committee for the implementation of the Convention adopts a multidisciplinary child rights-based approach and is provided with adequate financial and human resources and an adequate mandate to be able to coordinate effectively national and international activities for the implementation of the Convention;

(b) Harmonization between the Convention, the national plan of action and the outcome document of the special session, and monitor and evaluate effectively the impact of policies adopted with respect to children.

Independent monitoring

101. The Committee welcomes the establishment of the National Institution for the Protection of Human Rights in 1998, noting, however, that this body does not include a specific mechanism to address individual complaints relating particularly to violations of rights guaranteed under the Convention. It is encouraged by the decision of the Council of Ministers dated 30 January 2003 to set up a committee to prepare the framework for the establishment of a children's ombudsman in Cyprus.

102. **The Committee encourages the State party to pursue its efforts to nominate either a commissioner specifically responsible for children's rights, or establish a specific section or division for children's rights within the structure of the National Institution that would be responsible, in particular, for addressing complaints made by children in a child-sensitive manner. In this respect, the Committee refers to its general comment No. 2 on the role of national human rights institutions.**

Allocation of resources

103. The Committee notes that in 2001 the Government of Cyprus devoted 19.5 per cent of the country's gross domestic product (GDP) to the social sectors and that 50 per cent of State grants were for children's programmes run by the voluntary sector. The Committee regrets that the State party could not state specifically what part of those expenditures were for children's programmes, other than that it was "considerable"; this does not facilitate monitoring.

104. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations for the implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources". Furthermore, it recommends that the State party specify the amount and proportion of the State budget spent through public and private institutions or organizations for the implementation of children's rights in areas like alternative care, health education and special protection, in order to be able to evaluate the impact and effect of the expenditures and also, in view of the costs, the accessibility, the quality and the effectiveness of the services for children in the different sectors.**

Data collection

105. The Committee notes the plans of the State party to computerize the Department of Social Welfare Services and the current focus on systemic collection of data on children. The Committee welcomes the decision of the Central Committee for the implementation of the Convention to give priority in 2003 to the design of a databank on the situation of children in Cyprus and regrets that this has not yet been given sufficient attention.

106. **The Committee recommends that the State party intensify its efforts to establish a central registry and introduce a comprehensive system for the collection of disaggregated data incorporating all the areas covered by the Convention and using relevant child rights indicators. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. The State party should in this regard undertake all possible measures to include data on children living in the occupied part of its territory.**

Training/dissemination of the Convention

107. The Committee notes that the initial report and supplementary information provided to the Committee were published by the Department of Social Welfare Services in 1999 and notes the initiatives undertaken to make the Convention widely known, such as the “Children’s Week” and radio and TV programmes and publications prepared by the National Institution for the Protection of Human Rights. The Committee welcomes the information contained in the written replies to the list of issues related to efforts undertaken to make the provisions of the Convention widely known and understood among the police, social welfare services, teachers and mental health professionals in cooperation with non-governmental organizations (NGOs) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

108. **The Committee encourages the State party to continue and strengthen its efforts to provide adequate and systematic training and sensitization on children’s rights for professional groups working with and for children, with particular attention to law enforcement officers, prosecutors and judges. It urges the State party to continue to develop methods to promote the Convention, in particular at the local level, and to further support such activities carried out by NGOs.**

Cooperation with NGOs

109. The Committee values the importance the State party has accorded to NGOs more recently by providing support to their activities and involving them in the preparation of the national plan of action for children.

110. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and encourages the State party to continue and strengthen its cooperation with NGOs, in particular by involving NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

2. Definition of the child

111. The Committee notes that the age of criminal responsibility has been raised from 7 to 10 years, but continues to be concerned that the age of criminal responsibility remains low and unclear, with different ages mentioned in various legislation.

112. **The Committee recommends that the State party raise the legal age of criminal responsibility to an internationally more acceptable age by amending its legislation in this regard and ensuring that all children below 18 years are accorded the protection of juvenile justice provisions.**

3. General principles

113. The Committee is concerned that the principles of the right to non-discrimination (article 2 of the Convention), the right to have the child's best interests as a primary consideration in matters affecting him/her (art. 3), the right to life, survival and development of the child (art. 6) and the right to respect for the views of the child according to age and maturity (art. 12) are not fully reflected in the State party's legislation, policies and programmes at national and local levels.

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

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

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

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

Non-discrimination

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin. It further notes that certain pieces of legislation do not apply equally to girls and boys.

116. **The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds. Furthermore, it encourages the State party to pursue information campaigns to eliminate stereotyping in terms of traditional roles of men and women in society.**

117. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

118. The Committee takes note of various regulations in the institutions of the State party guaranteeing that the view of the child will be considered in judicial and administrative proceedings. It welcomes efforts undertaken by NGOs to raise public awareness of children's participatory rights.

119. **In light of articles 12 to 17 of the Convention, the Committee encourages the State party to implement the plans to revise its legislation in order to expand children's opportunities to express their views and to be heard, as indicated in the State party's report. The Committee encourages the State party to support existing NGO initiatives in this respect.**

4. Civil rights and freedoms

120. The Committee is concerned that inadequate attention has been paid to the promotion of the civil rights and freedoms of the child and, in particular, regrets that there is no information in the State party's report on article 14 of the Convention.

121. **The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians, government officials, members of the judiciary and other professional groups, parents and children on the importance of accepting fully the concept of child rights. It recommends that further measures be undertaken to ensure freedom of religion to children, particularly in light of the child's right to non-discrimination on the grounds of religion.**

Torture and other cruel, inhuman or degrading treatment or punishment

122. The Committee welcomes the decision of the Government to publish the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Cyprus from 22 to 30 May 2000, and notes that the findings of the visit indicated that physical ill-treatment by the police remained a serious problem in Cyprus. The Committee further welcomes the responses of the Government to the report and the measures undertaken to combat ill-treatment, in particular as they relate to children between 10 and 18.

123. The Committee notes that the Criminal Procedure Code and the Violence in the Family Law are being amended to comply with international standards; however, it regrets the general lack of information in the State party's report relating to article 37 and the fact that statistical data on violence in prisons are not systematically kept.

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

(a) Include in its next periodic report detailed information on measures introduced to ensure implementation of the new legislation, including by providing training on children's rights to those responsible for administering juvenile justice;

(b) Provide further information in its next report on detention conditions of minors and on the length of pre-trial detention; undertake a study of, and provide information on, abuse and maltreatment of children occurring during arrest and detention, and specifically on procedures for notification of custody of minors and for ensuring the right to immediate access to a lawyer and to a doctor of choice.

5. Family environment and alternative care

Parental guidance

125. The Committee notes the establishment of the Centre for Family Guidance by the Department of Social Welfare in 1997. However, the Committee is concerned about the traditional and rather paternalistic view of the child held by parents, teachers, authorities and society at large.

126. The Committee urges the State party to further encourage families to provide appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention in a manner consistent with his/her evolving capacities. It further recommends encouraging the perception of the child as a holder of rights through measures at all levels and public campaigns to raise awareness of the Convention.

Separation from parents

127. The Committee is concerned that, given the situation on the island following the events of 1974, certain categories of children wishing to attend secondary school must be separated from their parents, and may not be allowed to visit their parents regularly or return upon completion of their education. Furthermore, the Committee notes that boarding schools for these children are available only for boys, and that there is one boarding home for girls.

128. The Committee urges the State party to create equal opportunities for all children wishing to pursue education beyond primary school, including by making boarding schools available to both boys and girls and pursuing efforts to reduce periods of separation from parents.

Children deprived of their family environment

129. The Committee notes the existence of alternative care services like foster families and home-care services and that placement in an institution is used as a solution of last resort. However, the information provided in the written replies shows that, in practice, the number of children in institutions is rising while the number of children in foster care is decreasing.

130. The Committee recommends that the State party:

(a) Continue to take measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;

(b) Ensure that children are placed in institutions only as a measure of last resort and that effective mechanisms are established to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to undertake regular periodic review of placement.

Adoption

131. The Committee notes that the Adoption Law of 1995 includes the principle of the best interest of the child as a prerequisite for the adoption process and welcomes the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The lack of information on intercountry adoption is a concern because it is a form of adoption vulnerable to misuse, inter alia, for improper financial gain, child labour or other forms of exploitation.

132. The Committee recommends that the State party introduce the necessary measures to effectively monitor and supervise the system of adoption of children, in the light of article 21 of the Convention. It also recommends that adequate training be provided to professionals involved in the adoption process.

Abuse and neglect

133. The Committee welcomes the initiation of a comprehensive study to improve the understanding of the nature and scope of child neglect and abuse in Cyprus, as recommended by the Committee (CRC/C/15/Add.59, para. 29), as well as the new Law No. 3 (1) of 2000 on Combating of Trafficking in Persons and Sexual Exploitation of Children and the Violence in the Family Law for the prevention and protection of victims of domestic violence. The Committee regrets that information on the follow-up given to cases of abuse reported to social welfare services is not available. The Committee notes that many people in Cyprus consider that there is a problem of violence within the family and refers to the concerns expressed by the Human Rights Committee (CCPR/C/79/Add.88, para. 12) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.28, para. 15) with respect to domestic violence.

134. The Committee recommends that the State party, in keeping with the findings of the study, adopt adequate measures and policies aimed at changing attitudes, including the prohibition of corporal punishment in the family, supported by well-targeted awareness campaigns on, inter alia, alternative ways of disciplining children. Furthermore, it encourages the State party to adopt measures and ensure sufficient human and financial resources to ensure the implementation of the law for the prevention of domestic violence. The Committee invites the State party to include specific information in its next periodic report on follow-up to cases of abuse reported to the social welfare services, as well as information on the announced second research project on the extent of child abuse in Cyprus.

6. Basic health and welfare

Adolescent health

135. The Committee welcomes the information contained in the State party's report on health education in schools, in particular information on the harmful effects of alcohol and nicotine. However, the Committee is concerned at the high rate of children consuming alcohol, tobacco, drugs and other harmful substances.

136. The Committee encourages the State party to actively pursue its health education initiatives in schools and recommends that it undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards substance abuse, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child.

Social security and childcare services and facilities

137. The Committee notes that the limits for receiving social benefits for children are extended beyond the age of 18 years for persons attending full-time education; however, it notes that the age is not the same for males and females.

138. The Committee encourages the State party to ensure that social benefits for girls and boys are equal so that this is not a factor in their decisions relating to higher education.

7. Education, leisure and cultural activities

139. The Committee notes that the State party accords the utmost importance to education and is encouraged by the high enrolment rate, the increase in pre-primary education as well as international cooperation in this area. However, the Committee is concerned about the broad scope of special schools for children with physical, mental or emotional needs, which, inter alia, is not conducive to the integration of those children into mainstream schools.

140. The Committee encourages the State party to strengthen its efforts to include children with special needs, wherever possible, in mainstream schools, in accordance with article 23 (3) of the Convention. In this respect, the Committee draws the attention of the State party to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

8. Special protection measures

Refugee and internally displaced children

141. The Committee welcomes the assumption of full responsibility for asylum matters, including refugee status determination, by the Government of Cyprus as of 1 January 2002. Furthermore, it is encouraged by the Government's progress in preparing a draft law to amend

the Refugee Laws 6 (I) of 2000 and 6 (I) of 2002. However, the Committee remains concerned about difficulties that some children who have been given temporary protection may be experiencing in access to public education, as well as about the fact that children of internally displaced persons may acquire IDP status themselves only if their father is an IDP.

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

- (a) Promptly adopt the draft law to amend the 2000 and 2002 Refugee Laws;**
- (b) Introduce further amendments to the Refugee Law in order to ensure access to public educational facilities to persons afforded temporary protection;**
- (c) Ensure that children either of whose parents is an IDP can acquire that status.**

Sexual exploitation, trafficking

143. The Committee welcomes the enactment in 2000 of the Law on the Combating of Trafficking of Persons and Sexual Exploitation of Minors and the Protection of Witnesses Law of 2001 making specific provision for the protection of child witnesses. While noting that the State party does not consider that problems relating to trafficking or other forms of sexual exploitation exist, the Committee remains concerned that such problems may remain “hidden” and that the authorities may be unaware of them. In particular, the Committee refers to the concerns expressed by the Special Rapporteur on the sale of children, child prostitution and child pornography that Cyprus is being used as a transit point for trafficking of young women, including minors.

144. **The Committee recommends that the State party strengthen its efforts to identify, prevent and combat trafficking in children for sexual purposes, 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.**

Protection of children affected by armed conflict

145. The Committee notes that while the minimum age for conscription is 18 years it is possible to volunteer for military service from the age of 17. The Committee is concerned that under-18s may be deployed since no distinction is made between the age for recruitment and deployment.

146. **The Committee encourages the State party to clarify the minimum age for voluntary recruitment and take measures to ensure that no one under 18 is deployed as a combatant to armed conflicts.**

Juvenile justice

147. The Committee welcomes the information that steps are being taken to harmonize legislation in the sphere of juvenile justice with the Convention. Furthermore, the Committee notes that probation is the most frequently used measure in dealing with young offenders and

that prison facilities for minors are being renovated. However, the Committee regrets that information on the average length of pre-trial detention is not available. Furthermore, the statistics provided in the written replies to the list of issues demonstrate that the majority of juveniles are sentenced to a fine and that probation orders are rare.

148. **The Committee recommends that the State party ensure that the reforms under way provide for the establishment of a juvenile justice system, including juvenile courts, that has adequate human and financial resources, and that fully integrates international juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Guidelines for Action on Children in the Criminal Justice System.**

9. Ratification of the Optional Protocols

149. **The Committee welcomes the signature in 2001 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the intention of the State party to proceed with its ratification. The Committee urges the State party to consider early ratification of the Optional Protocol on the involvement of children in armed conflict.**

10. Dissemination of the report, written answers and concluding observations

150. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic 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 all levels of administration of the State party and the general public, including concerned NGOs.**

11. Next report

151. **The Committee 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 regular and timely 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 a consolidated third and fourth periodic report by 8 March 2008, date on which the fourth periodic 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.**

Concluding observations: Zambia

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.

Concluding observations: Sri Lanka

228. The Committee considered the second periodic report of Sri Lanka (CRC/C/70/Add.17) at its 871st and 872nd meetings (see CRC/C/SR.871 and 872), held on 23 May 2003, and adopted, at the 889th meeting, (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

229. The Committee welcomes the submission of the State party's second periodic report, as well as the detailed written replies to its list of issues (CRC/C/Q/SRI/2), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

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

230. The Committee is greatly encouraged by the ongoing peace process and the inclusion of human rights issues, including the human rights of children, in the peace talks.

231. The Committee welcomes the information provided by the delegation during the dialogue that the state of emergency has been lifted and the Prevention of Terrorism Act has been suspended.

232. The Committee notes with satisfaction the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 8 September 2000.

233. The Committee welcomes the various legislative measures aimed at improving the protection of children from domestic violence, child labour and commercial sexual exploitation.

234. The Committee also welcomes the various mechanisms and programmes aimed at protecting and promoting the rights of children such as:

- (a) The establishment of the National Human Rights Commission in 1997;
- (b) The establishment of the National Child Protection Authority in 1999 and provincial-level committees to address problems of child abuse and sexual exploitation;
- (c) The dissemination of materials, including audio-visual materials, publications and posters, to raise awareness of the Convention and child rights.

C. Factors and difficulties impeding the implementation of the Convention

235. The Committee recognizes that the armed conflict and the challenges of reconstruction, particularly in the north and east, pose difficulties to the full implementation of the Convention in the State party.

D. Principal subjects of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

236. The Committee notes with satisfaction that various concerns expressed and recommendations (CRC/C/15/Add.40) made upon the consideration of the State party's initial report have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, harmonization of legislation (para. 25), coordination of the implementation of the Convention (para. 29), child participation (para. 31) and juvenile justice (para. 40) have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

237. The Committee urges the State party to make every effort to address the 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.

Legislation

238. The Committee, acknowledging the various legislative measures taken to implement the Convention, is concerned at the lack of a comprehensive and systematic review of existing laws, including the different sets of personal laws, with the aim of bringing them into conformity with the Convention.

239. The Committee recommends that the State party undertake a systematic review of all existing laws in order to bring them into conformity with the Convention and to consult with the different ethnic communities regarding the inclusion of their personal laws in this process of reform.

Coordination

240. Although encouraged by the establishment of mechanisms such as the National Monitoring Committee (NMC) and the National Child Protection Authority (NCPA) and their respective monitoring and child protection committees at the provincial and district levels, the Committee is concerned that these bodies and others like the Department for Probation and Child Care Services do not provide effective coordination of the implementation of the Convention. It is further concerned that the roles of these bodies are not clearly defined, which may contribute to duplication of efforts and a lack of effective cooperation.

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

(a) **Establish one effective and identifiable governmental body for the coordination of all activities regarding the implementation of the Convention and which has adequate power and sufficient human and financial resources to carry out its coordinating role effectively;**

(b) **Clearly define the role of NMC and NCPA and the various committees at the provincial and district levels in order to avoid duplication of their efforts and to facilitate cooperation between them, and provide these bodies with the necessary human and financial resources.**

Independent monitoring

242. The Committee welcomes the establishment of the National Human Rights Commission in 1997, which also accepts and investigates complaints regarding the violation of children's rights. However, the Committee is concerned that the Commission has insufficient human and material resources to deal effectively with its volume of work.

243. **The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 on national human rights institutions:**

(a) **Ensure that the National Human Rights Commission is provided with sufficient resources to carry out its responsibilities effectively;**

(b) **Consider establishing a bureau for children's rights within the Commission in order to centralize its work on children's rights;**

(c) **Ensure its accessibility to children, in particular by raising awareness of its power to receive, investigate and address complaints by children, in particular those affected by conflict.**

Resources for children

244. The Committee notes with great concern that the expenditure on education and health as a percentage of the country's GDP decreased between 1998 and 2001. The Committee is further concerned at the lack of disaggregated data on budgetary allocations for the implementation of children's rights at the national and district levels.

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

(a) **Pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those in conflict-affected areas, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation";**

(b) Prioritize the provision of services to children in loan and structural adjustment negotiations with international donors;

(c) Collect, and include in the regular budget, disaggregated data on the expenditures for children according to the various areas of the Convention, such as foster care, institutional care, primary and adolescent health care, pre-school, primary and secondary education and juvenile justice.

Data collection

246. The Committee regrets the lack of comprehensive and up-to-date statistical data in the State party's report.

247. **The Committee recommends that the State party continue to upgrade its system of data collection to cover all areas of the Convention and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should consider seeking technical assistance from, among others, UNICEF and UNFPA.**

2. Definition of the child

248. The Committee notes the plan for constitutional reform, in which the child is defined as a person below the age of 18 and that NCPA and others are applying this definition. Yet, it is concerned that there are various legal minimum ages which seem to be discriminatory or are too low.

249. **The Committee recommends that the State party enact, as soon as possible, a clear legal definition of the child applicable throughout the country and review existing age limits in various areas, including marriage, child labour and the Penal Code provisions on child sexual abuse, in order to bring them into compliance with international standards.**

3. General principles

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

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

(a) Integrate, in an appropriate manner, the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

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

Non-discrimination

252. The Committee notes with concern that societal discrimination persists against vulnerable groups of children, including children with disabilities, adopted children, children displaced by conflict, children infected with and affected by HIV/AIDS, and children of ethnic and religious groups.

253. **The Committee recommends that the State party amend its legislation and increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.**

254. **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).**

4. Civil rights and freedoms

Corporal punishment

255. The Committee is deeply concerned that male child offenders can be sentenced to whipping or caning under the Corporal Punishment Ordinance of 1889, and that the Education Ordinance of 1939 permits corporal punishment to be used as a disciplinary measure for boys and girls in schools and that many teachers and principals consider corporal punishment to be an acceptable form of discipline.

256. **The Committee reiterates its previous recommendation that the State party repeal the Corporal Punishment Ordinance of 1889 and amend the Education Ordinance of 1939 to prohibit all forms of corporal punishment. Furthermore, the Committee recommends that the State party undertake well-targeted public awareness campaigns on the negative impact corporal punishment has on children, and provide teacher training on non-violent forms of discipline as an alternative to corporal punishment.**

5. Family environment and alternative care

257. The Committee notes the new programme for children of migrant workers undertaken by the Bureau of Foreign Employment, yet it is concerned that families of migrant workers receive little or no assistance with their child-rearing responsibilities while they are working abroad.

258. **The Committee recommends that the State party develop a comprehensive policy to support the families and caregivers of children of migrant workers in their child-rearing responsibilities and limit the institutionalization of children of migrant workers to measures of last resort, while promoting the placement of all children in need of alternative care with their extended families or other family types of care whenever possible.**

Alternative care

259. The Committee welcomes the increasing emphasis on foster placements, yet it remains concerned that there is no monitoring mechanism for either registered or unregistered institutions or voluntary homes.

260. **The Committee recommends that the State party proceed with its intention to amend the Orphanages Ordinance No. 22 of 1941 to criminalize running an orphanage without a licence, and establish a uniform set of standards for public and private institutions and voluntary homes and monitor them regularly.**

Abuse and neglect

261. The Committee notes that the Domestic Violence Act is under consideration, but is concerned that, although there are limited data available, the problem of abuse within the family and in institutions appears widespread. The Committee is further concerned that victims of abuse do not receive adequate assistance and support for their recovery, and that the practice of institutionalizing victims while their case is being processed is common.

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

(a) **Expand current efforts to address the problem of child abuse, including through the adoption and implementation of the Domestic Violence Act, and ensure that there is an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victims' privacy;**

(b) **Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration;**

(c) **Provide adequate protection to child victims of abuse in their homes, whenever possible, through restraining and removal orders against the alleged perpetrator; in cases where the removal of the child is necessary, preference should be given to foster care or similar family-type settings and institutionalization should only be resorted to in exceptional cases.**

6. Basic health and welfare

Children with disabilities

263. The Committee is concerned that a significant number of children with disabilities, in particular girls, are not able to attend school and that not all special schools managed by NGOs are registered by the Ministry of Education, and they are concentrated in the more developed and urbanized Western Province.

264. **In light of the recommendations of the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights in 2002 (see CRC/C/121), the Committee recommends that the State party:**

(a) Ensure that all children with disabilities, particularly girls, have access to education by increasing spending and expanding special education programmes, including non-formal special education in rural areas, and by training teachers in mainstream education about special needs;

(b) Register and monitor all special schools run by non-State actors;

(c) Take all necessary measures to integrate children with disabilities into society and include them in cultural and leisure activities.

Basic health and health services

265. While acknowledging the improvements in mortality rates and immunization coverage, the Committee remains concerned at the high levels of child malnutrition, the significant proportion of children born with low birth weight, the prevalence of mosquito-borne diseases, including malaria, and the lack of access to safe drinking water and sanitation, particularly in conflict-affected areas.

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

(a) Ensure universal access to maternal and child health-care services and facilities throughout the country with special attention to conflict-affected areas;

(b) Prioritize the provision of drinking water and sanitation services in reconstruction activities;

(c) Strengthen ongoing efforts to prevent malnutrition, malaria and other mosquito-borne diseases and continue to promote exclusive breastfeeding for the first six months of an infant's life, and extend these programmes to all conflict-affected areas;

(d) Seek technical assistance from, among others, UNICEF.

Adolescent health

267. The Committee notes the establishment of Presidential Task Forces to deal with the problems of suicide and alcohol, drug and tobacco use by adolescents, and the subsequent improvement in the rate of youth suicide. Nevertheless, the Committee is concerned that these issues remain a problem for adolescents and that an organized system of reproductive health counselling and services for youth, as well as education on HIV/AIDS and STDs, does not yet exist.

268. **The Committee recommends that the State party continue to strengthen its efforts to address youth suicide, drug abuse, alcoholism and tobacco use and develop a comprehensive policy on adolescent health which, inter alia, supports the implementation**

of the recommendations of the Presidential Task Forces, promotes collaboration between State agencies and NGOs in order to establish a system of formal and informal education on HIV/AIDS and STDs, and ensures access to reproductive health counselling and services for all adolescents. The State party should make use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37) and the Committee's general comment No. 3 on HIV/AIDS and the rights of the child, in order to promote and protect the rights of children infected with and affected by HIV/AIDS.

7. Education, leisure and cultural activities

269. The Committee is encouraged by the education reforms initiated by the State party in 1999, which focus on improving the quality of education and also emphasize early childhood development. At the same time, the Committee is concerned that all principals, teachers and parents, particularly in rural areas, are not fully aware of the objective of these reforms, that their implementation is not uniform across all regions and that there is no mechanism for monitoring and evaluating their implementation.

270. **In light of articles 28, 29 and 31 of the Convention, as well as general comment No. 1 on the aims of education, the Committee recommends that the State party:**

(a) Ensure that primary education is in fact free and compulsory for all children;

(b) Provide additional information on the reforms and adequate material resources for their implementation to principals, teachers and parents in rural and conflict-affected areas;

(c) Establish a participatory mechanism for monitoring and evaluating the implementation of the education reforms which involves principals, teachers, parents and students;

(d) Ensure that there is a sufficient number of trained teachers in rural and conflict-affected areas;

(e) Include human rights education as part of the curriculum.

8. Special protection measures

Children affected by armed conflict

271. Almost 20 years of civil conflict has had an extremely negative impact on the implementation of the Convention in the State party. While recognizing that children will greatly benefit from the peace process, the Committee is concerned that during the transition to peace and the reconstruction process, children who have been affected by the conflict remain a particularly vulnerable group.

272. The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:

(a) Prioritize the demobilization and reintegration of all combatants under 18 and ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;

(b) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;

(c) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;

(d) Seek in this regard technical assistance from, among others, UNICEF.

273. The Committee reiterates its request to the State party for additional information on child combatants and child prisoners of war, to be included in its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Sexual exploitation

274. The Committee welcomes the Penal Code (Amendment) Act No. 22 of 1995, which seeks to protect children from sexual exploitation. However, it is concerned that existing legislation is not effectively enforced and that child victims of sexual exploitation do not always receive adequate recovery assistance.

275. The Committee recommends that the State party:

(a) Develop a National Plan of Action on Commercial Sexual Exploitation of Children, as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001;

(b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim;

(c) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and ensure that victims who cannot return to their families are not institutionalized;

(d) Seek technical assistance from, among others, UNICEF.

Economic exploitation

276. The Committee welcomes the State party's ratification of ILO Conventions Nos. 138 and 182 in 2000 and 2001, respectively. Nevertheless, it remains concerned at the high proportion of children, including very young ones, working as domestic servants, in the plantation sector, on the street and in other parts of the informal sector.

277. The Committee recommends that the State party continue its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and access to education, as well as by developing a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO/IPEC.

Juvenile justice

278. The Committee reiterates its serious concern that the minimum age of criminal responsibility, set at 8 years, is too low and that children between the ages of 16 and 18 are considered by penal law as adults.

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

(a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);

(b) Amend the Children and Young Person's Ordinance (1939) to raise the minimum age of criminal responsibility to an internationally acceptable level and to ensure that all offenders under 18 are treated as children;

(c) Set up a system of juvenile courts across the country;

(d) Ensure that deprivation of liberty is used only as a last resort and for the shortest appropriate time period;

(e) Take effective measures, including, where appropriate, the enactment of legislation, to implement the recommendations of the Law Commission on the juvenile justice system, in particular those regarding access to legal assistance, training of professionals working with children, separation of children in conflict with the law from adults at all stages of the legal process and development of alternative non-custodial methods of rehabilitation.

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

280. The Committee notes that the State party has signed but not ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

281. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

10. Dissemination of documents

282. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic 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 within the Government, the Parliament and the general public, including concerned NGOs.

11. Next report

283. The Committee, aware of the delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. Children have the right for the committee in charge of regularly examining the progress made in the implementation of their rights to have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. 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 third and fourth periodic reports in one consolidated report by 10 August 2008, date on which the fourth report is due. The consolidated 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.

Concluding observations: Solomon Islands

284. The Committee considered the initial report of Solomon Islands (CRC/C/51/Add.6) at its 873rd and 874th meetings (see CRC/C/SR.873 and 874), held on 26 May 2003, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

285. The Committee welcomes the submission of the State party's frank and informative initial report and the very informative written replies to its list of issues (CRC/C/Q/SOL/1). The Committee also welcomes the high-level delegation and the constructive dialogue that took place.

B. Positive aspects

286. The Committee notes with appreciation the State party's efforts to implement the Convention, especially with regard to:

- (a) Progress made in reducing infant mortality and expanding immunization coverage;
- (b) The establishment of the National Advisory Committee on Children (NACC) and the recent appointment of a child desk officer;
- (c) The increase in access to primary education, which has been growing at a steady pace;
- (d) Technical cooperation undertaken with international NGOs and United Nations agencies and bodies, including UNICEF and OHCHR.

C. Factors and difficulties impeding the implementation of the Convention

287. The Committee recognizes the serious difficulties facing the State party, namely, the recent civil strife, severe economic constraints, including poverty and unemployment, vulnerability to natural disasters, and the fact that the country is made up of many islands, some very remote, and that its people speak at least 87 local languages and dialects.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

288. The Committee notes that a child rights bill is being drafted in order to bring legislation into line with the provisions and principles of the Convention, as well as a bill for the protection of children, but is concerned that these bills and other draft laws concerning child rights have long been awaiting enactment.

289. **The Committee recommends that:**

- (a) **The State party strengthen the mechanisms required to harmonize its constitutional provisions and its domestic and customary legislation with the provisions and principles of the Convention as soon as possible;**
- (b) **The child rights bill and the child protection bill be made compatible with the provisions and principles of the Convention and adopted by Parliament as a matter of priority.**

Coordination

290. The Committee is encouraged by the establishment in 1993 of NACC and the Child Desk in 2003, but remains concerned about its effectiveness in coordinating the implementation process of the Convention, also between the central and local levels.

291. **The Committee recommends that the State party continue to strengthen and support NACC with sufficient human and financial resources and empower it to carry out its coordinating and implementing duties.**

Independent monitoring structures

292. The Committee notes the existence of an ombudsman but is concerned that this entity has neither the expertise nor the mandate, nor the human and financial resources, to receive, investigate and respond to individual complaints about violations of children's rights either within the Ombudsman's Office or separately.

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

(a) Establish an independent and effective mechanism, within an institution for the promotion and protection of human rights, established according to the Paris Principles (General Assembly resolution 48/134, annex) and taking into account the Committee's general comment No. 2 on the role of national human rights institutions, making sure that it is provided with adequate human and financial resources and that it is easily accessible to children, with the mandate:

- (i) To monitor the implementation of the Convention;**
- (ii) To deal with complaints from children in a child-sensitive and expeditious manner;**
- (iii) To provide remedies for violations of their rights under the Convention;**

(b) Consider seeking further technical assistance in this regard from, among others, UNICEF, OHCHR and other competent bodies.

National plan of action

294. The Committee is concerned that the State party does not have a national plan of action for the implementation of the Convention and that the State party does not have a clear and comprehensive child rights policy.

295. **The Committee recommends that the State party take action to develop a national policy on the implementation of the Convention, incorporating the outcome document of the General Assembly special session on children, held in May 2002, "A world fit for children", and seek assistance from, among others, UNICEF.**

Resources for children

296. The Committee notes that at the time the State party report was written (2000), education and health services were receiving the largest and second-largest allocations from the national budget, but that since then funds have been diverted from these sectors to the point where some schools and hospitals have had to shut down. The Committee is also concerned that, in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources “to the maximum extent of ... available resources” for the implementation of the Convention.

297. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations so as to ensure implementation of the economic, social and cultural rights of children, in particular children belonging to economically and geographically disadvantaged groups, to the maximum extent of available resources at both the national and local levels and, where needed, within the framework of international cooperation.

Data collection

298. The Committee is concerned at the severe lack of an adequate data collection mechanism within the State party to facilitate the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

299. The Committee recommends that the State party should, as a priority, systematically collect disaggregated data incorporating all the areas covered by the Convention and covering 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 and programmes that affect children. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP, and UNICEF.

Training and dissemination

300. The Committee, noting that at least 87 languages and dialects are spoken in the country, welcomes the initiatives taken by the State party to disseminate the Convention and recommends further cooperation with UNICEF and OHCHR in disseminating international human rights treaties and in providing training programmes to raise awareness of the Convention. The Committee is concerned that due to the civil strife the dissemination and training on the rights set forth in the Convention effectively came to a halt.

301. The Committee recommends that the State party:

(a) Strengthen its awareness-raising efforts and encourages it to undertake systematic education and training on the rights contained in the Convention for all professional groups working for and with children, in particular parliamentarians,

judges/magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, social workers and local leaders, as well as children and their parents;

(b) Develop creative methods to promote the Convention, including through audio-visual aids such as picture books and posters, in particular at local level, and through the mass media, with technical assistance from, for example, OHCHR and UNICEF.

2. Definition of the child

302. The Committee is concerned at the many inconsistencies in the minimum ages used in various areas of the law, and notes in particular that:

(a) The minimum age of criminal responsibility is too low (8 years);

(b) The age of marriage is too low (15 years), especially since no birth certificate or any other official document is required for marriage and marriage can take place upon visual presumption of the applicant's age;

(c) The minimum age for employment is too low (12 years);

(d) As education is not compulsory, ages for admission to and completion of primary education have not been set.

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

(a) Raise the minimum age for criminal responsibility to internationally accepted standards and ensure that juvenile justice protection is accorded to all children up to the age of 18;

(b) Raise the age of marriage and require official documentation to be presented for official matters, e.g. marriage and employment;

(c) Raise the minimum age for employment;

(d) Set ages for admission to and completion of compulsory primary education.

Non-discrimination

304. The Committee is concerned that:

(a) There continues to be widespread discrimination against women and girls and that girls are underrepresented in schools;

(b) The principle of non-discrimination is not adequately implemented for children of some ethnic minorities and of economically disadvantaged households, children living in remote islands, children born out of wedlock and children with disabilities, especially with regard to their access to adequate health care and educational facilities.

305. **The Committee recommends that the State party monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination and develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.**

306. **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 the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Best interests of the child

307. The Committee is concerned that although it is contained in some statutes relating to children's issues, the principle of the best interests of the child is not defined in legislation and not implemented by the State party or reflected in policy, programmes or activities.

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

(a) Take action to ensure that the principle of the best interests of the child is included in all relevant legislative instruments and in all policy-making processes and programmes of relevance to children and the Convention's implementation;

(b) Ensure that administrative, judicial, legislative and other relevant officials are given training on the meaning and implementation of the best interests principle, with a view to ensuring its consistent application at central and local government levels.

Respect for the views of the child

309. The Committee is concerned that the principle of respect for the views of the child is not expressly provided for in the State party's legislation and that, in practice, children's views are not systematically sought and taken into consideration with regard to decisions that may affect them.

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

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

(b) Provide educational information to, among others, parents, teachers, government officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into account;

(c) Implement measures, including through the use of information campaigns, and train professionals working for and with children, with a view to ensuring that children's views are respected, including in the family, at school and in institutions, making use of international cooperation if required.

3. Civil rights and freedoms

Birth registration

311. The Committee is concerned that society at large is not aware of the importance of birth registration and that registration is not integrally linked with the health system, and that as a result many children, particularly those born in remote islands, are not registered at birth.

312. **In the light of article 7 of the Convention, the Committee recommends that the State party:**

(a) Take measures to ensure that all children are registered at birth and make every effort to register older children who were not registered at birth;

(b) Ensure that registration is free and explore the use of mobile registration facilities for remote islands;

(c) Conduct information campaigns for the general population explaining the importance and purposes of birth registration, including through international cooperation.

Ill-treatment

313. The Committee is concerned that:

(a) Corporal punishment is widely practised in the family, schools and other institutions such as prisons and in alternative care contexts;

(b) There is insufficient knowledge about ill-treatment of children, including on the part of State agents;

(c) Acts of violence against the mother and/or other members of the family frequently take place in the presence of children.

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

(a) Take all legislative and other measures to prohibit all forms of physical and mental violence, including corporal punishment, against children in the family, schools, and in all other contexts;

(b) Conduct a study to assess the nature and extent of ill-treatment of children, and design policies and programmes to address it, including with international cooperation;

- (c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;**
- (d) Establish effective procedures and multidisciplinary mechanisms to receive, monitor and investigate complaints, including instances of ill-treatment, and to prosecute alleged perpetrators, ensuring that the child is not revictimized in legal proceedings and that his/her privacy is protected;**
- (e) Provide care and recovery and rehabilitation assistance for victims;**
- (f) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment;**
- (g) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).**

4. Family environment and alternative care

Parental responsibilities

315. The Committee is concerned that:

- (a) Increasing weakness in family structures due to growing poverty leads to greater vulnerability of children;**
- (b) Single mothers can only file a request for maintenance in the first three years after the birth of their children;**
- (c) The rights and responsibilities of unmarried fathers are very limited.**

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

- (a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with adequate support, including through community structures;**
- (b) Amend or adopt legislation that does not discriminate against either parent or parents who are not married and provide equal protection to children born out of wedlock, including by abolishing time limits for filing maintenance requests and ensuring the inheritance rights of those children.**

Children deprived of a family environment

317. The Committee welcomes the State party's preference for family-type forms of alternative care but is concerned that there remains a large number of children in need of alternative care. Furthermore, the Committee is concerned at the incidence of informal adoption, which may lead to girls being employed as domestic workers.

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

(a) **Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention;**

(b) **Encourage and monitor the current practice of placement within the extended family, ensuring that the rights of children are respected in this context;**

(c) **Provide training, including in children's rights, for social and welfare workers;**

(d) **Ensure that children's views are heard and taken into consideration in alternative care decisions, in accordance with the principles and provisions of the Convention;**

(e) **Ensure that both legal parents are required to give consent to adoption;**

(f) **Ensure that placements in institutions, if made, are periodically reviewed, in accordance with article 25 of the Convention;**

(g) **Take all necessary measures to end the practice of informal adoption and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Abuse and neglect

319. The Committee is concerned that:

(a) The problem of abuse, including sexual abuse, within the family and in institutions appears to be significant;

(b) Very few cases of physical and sexual abuse are effectively pursued by the police or brought to court;

(c) Reporting is not mandatory and there are no reporting procedures or facilities for protecting abused children or meeting their needs.

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

(a) **Strengthen and expand current efforts to address the problem of child abuse, including sexual abuse, and ensure that there is an effective system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and which ensures the victim's privacy;**

(b) Ensure that all victims of violence have access to counselling and assistance with their recovery and rehabilitation, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care;

(c) Launch a comprehensive study on the prevalence of abuse, including sexual abuse, aimed at informing both policy makers and lawmakers, including through cooperation with international NGOs.

5. Basic health and welfare

Children with disabilities

321. The Committee is encouraged by the introduction of the Community-based Rehabilitation Programme. However, it is concerned that:

(a) Children with disabilities living on remote islands may not have access to rehabilitation services, as these are based in the capital;

(b) Children with disabilities have no access to education;

(c) There is no specific governmental policy for children with disabilities;

(d) The terminology used by the State party to describe individuals with disabilities is inappropriate.

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

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

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

(c) Undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities and introduce the appropriate terminology when addressing this issue, and include churches and local leaders in this activity;

(d) Develop rehabilitation services in remote island areas;

(e) Seek technical assistance for the training of professional staff working with and for children with disabilities from WHO, among others.

Basic health and health services

323. The Committee is deeply concerned:

- (a) At the current breakdown of health services amounting to a national emergency, leaving the country's clinics, health centres and hospitals without necessary medicine, equipment or food;
- (b) At the closure of a number of hospitals due to a lack of financial resources;
- (c) That medical staff have not received their salaries for extended periods, which has led many doctors to seek employment overseas;
- (d) At the unavailability of accurate and updated health indicators due to poor birth and death registrations;
- (e) At the high incidence of malnutrition/undernutrition.

324. **The Committee urgently recommends that the State party:**

- (a) Allocate funds to hospitals and health-care services on a priority basis in order to restore the health services to an operational level;**
- (b) Ensure that doctors, nurses and other medical personnel are able to resume work as soon as possible;**
- (c) Establish appropriate mechanisms to assess important health indicators, inter alia, the infant mortality rate;**
- (d) Take measures to address malnutrition and undernutrition in children, pregnant women and breastfeeding mothers;**
- (e) Seek technical assistance from WHO and other organizations.**

Adolescent health

325. The Committee is concerned that:

- (a) Adolescents do not have appropriate access to information and/or services relating to adolescent health in general and reproductive health in particular;
- (b) Adolescents remain extremely vulnerable to STIs and that girls are not protected from the risk of pregnancy;
- (c) There are no comprehensive strategies and policies to address adolescent health issues, including mental health;
- (d) Tobacco, alcohol and substance abuse are widespread among young people.

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

- (a) Take steps to ensure that all adolescents have access to information and health-care facilities;**
- (b) Address the needs of adolescent mothers and those who have contracted STIs;**
- (c) Formulate concrete strategies to address adolescent health issues, including mental health;**
- (d) Strengthen its efforts to end tobacco, alcohol and drug abuse by children;**
- (e) Seek technical assistance from United Nations agencies, including WHO, UNICEF and UNFPA.**

Social security and standard of living

327. The Committee is concerned that:

- (a) Only a limited number of families are eligible for health insurance coverage plans and other social insurance policies;
- (b) Only a very small proportion of the population have access to electricity, sanitation and clean running water in their homes;
- (c) Levels of poverty are rising and affect a very high proportion of children.

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

- (a) Strengthen its efforts to address poverty, including through a poverty reduction strategy and international cooperation;**
- (b) Develop and implement measures through which children and their families may benefit from a minimum of social security protection;**
- (c) Continue its efforts to improve housing and sanitary conditions in both remote and urban areas.**

6. Education, leisure and cultural activities

329. The Committee is concerned that:

- (a) Some schools have remained closed for several weeks in the recent past due to non-payment of teachers' salaries;
- (b) Primary education is neither free nor compulsory;
- (c) At least 20-25 per cent of school-age children are not in primary school and an estimated 30 per cent drop out before completing primary school;

(d) There are wide disparities among the islands in terms of the quality of education and its coverage;

(e) Enrolment of girls remains very low.

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

(a) **Allocate the necessary funds to schools in order to avoid disruption of schooling;**

(b) **Ensure, as a priority, that primary education is made compulsory and free to all;**

(c) **Undertake a study on school dropout and find appropriate measures to address this problem;**

(d) **Develop strategies to make education accessible to girls and to address their low enrolment rates;**

(e) **Ensure that education is oriented towards the aims mentioned in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education and that human rights education, including children's rights, is included in the school curricula, with technical assistance from international organizations, notably UNESCO;**

(f) **Implement its intention to establish vocational schools and develop more programmes to facilitate the transition to the labour market, in accordance with international standards.**

7. Special protection measures

Refugee and internally displaced children

331. The Committee is concerned that a large number of children have been displaced during the recent armed conflict.

332. **The Committee urges the State party to make every effort to protect the civilian population from displacement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing and reunification. The Committee also urges the State party to ensure that all displaced children and their families have access to essential health and education services and to consider the need for continued access to such services during the often slow process of return to communities of origin. The Committee further urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution.**

Children in armed conflict

333. The Committee is deeply concerned that:

(a) The recruitment of children under the age of 18 by militias occurred during the recent armed conflict in the State party and that other cases of alleged war crimes affecting children have not been duly investigated;

(b) There are no reports of the measures taken to rehabilitate child soldiers.

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

(a) Ensure with immediate effect that there is no further recruitment of children by militias;

(b) Take immediate measures to rehabilitate child soldiers and other child victims of armed conflicts and provide them with access to educational opportunities and health care;

(c) Take all necessary measures to investigate, prosecute and punish alleged perpetrators of war crimes, especially those affecting children;

(d) Seek technical assistance from international NGOs, OHCHR and UNICEF.

Economic exploitation

335. The Committee is concerned that:

(a) Many children under 15 are working, often in very poor conditions and for long hours;

(b) In order to overcome extreme poverty, many parents and families require children to work, as illustrated by the prevalence of young girls working as domestics, sometimes within the extended family;

(c) The prevalence of child labour prevents many children from attending school.

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

(a) Ensure the implementation and enforcement of all domestic and international legal protection for children in this regard, in close collaboration with ILO/IPEC;

(b) Make greater efforts to reduce the number of children working in the formal and informal sectors, with particular emphasis on younger children;

(c) Make every effort, including taking preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education;

(d) Ratify ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Sexual exploitation and trafficking

337. The Committee is very concerned that:

(a) Children of both sexes are exposed to prostitution due to economic difficulties;

(b) There is a lack of guidance on the role of police intervention in this field, as well as an absence of institutions dedicated to the rehabilitation of child victims;

(c) There is very little data on the number of children being exploited.

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

(a) Take action to prevent child prostitution and other forms of sexual exploitation of children;

(b) Avoid criminalizing child victims of prostitution;

(c) Develop mechanisms to identify the sexually exploited children and to work with law enforcement agencies to recover children who are being exploited;

(d) Undertake a study on the sexual exploitation of children in order to assess its scope and causes, enable effective monitoring of the problem and develop measures and programmes, including social reintegration programmes, to prevent, combat and eliminate it;

(e) Develop and adopt a national plan of action against sexual exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(f) In this regard, seek international cooperation from, among others, UNICEF, ILO and WHO.

Street children

339. The Committee is concerned that there are children forced to live on the streets and that they are vulnerable to, inter alia, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, STIs and malnutrition.

340. **The Committee recommends that the State party undertake a study to assess the scope and causes of the problem and establish a comprehensive strategy to address the increasing number of street children, with the aim of preventing and reducing this phenomenon.**

Administration of juvenile justice

341. The Committee notes that a number of juvenile offenders were provided with counselling or pardoned and not brought to court and that in those cases the principle of the best interests of the child was taken into consideration. The Committee is further encouraged that between 1991 and 1995 the number of cases involving juvenile offenders decreased by 47 per cent and would like to receive updated data on this issue. The Committee is, however, concerned that:

(a) The minimum age of criminal responsibility is too low (8 years);

(b) There exists no separate facility for juvenile offenders and that they may be detained along with adult criminals, as demonstrated by the police practice of transferring children or young persons who have not yet been formally charged to a remand cell at Central Prison in Rove where convicted criminals are also detained.

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

(a) **Ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);**

(b) **Raise the minimum age of criminal responsibility to an internationally acceptable age;**

(c) **Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time;**

(d) **Guarantee that all children have right to legal and other appropriate assistance;**

(e) **Set up a system of juvenile courts;**

(f) **Review legislation to ensure that children cannot be sentenced to life imprisonment;**

(g) **Ensure that children in detention are separated from adults;**

(h) Ensure that children remain in regular contact with their families while in the juvenile justice system;

(i) Review the powers of the police in criminal proceedings;

(j) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.

8. Optional Protocols

343. **The Committee encourages the State party to ratify 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.**

9. Dissemination of documentation

344. **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that 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 all levels of administration of the State party and the general public, including concerned NGOs.**

10. Next Report

345. **The Committee, aware of the considerable delay in the State party's reporting, wishes to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. Children have the right for the Committee in charge of regularly examining the progress made in the implementation of their rights to have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. Moreover, the Committee understands that the State party had difficulties in initiating timely and regular reporting. In order to help the State party achieve full compliance with its obligations under the Convention, the Committee invites the State party, by way of exception, to submit a consolidated second and third periodic report before 9 May 2007, date on which its third 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.**

Concluding observations: Libyan Arab Jamahiriya

346. **At its 875th and 876th meetings (see CRC/C/SR.875 and 876), held on 27 June 2003, the Committee considered the second periodic report of the Libyan Arab Jamahiriya (CRC/C/93/Add.1), which was received on 8 August 2000, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.**

A. Introduction

347. The Committee welcomes the timely submission of the second report, in accordance with the guidelines for reporting, as well as the information provided by a well-informed delegation familiar with a broad range of child rights issues. The Committee regrets, however, that a lack of complete data on demographic and budgetary matters, suitably disaggregated by Convention criteria, coupled with scarce information on practical implementation of the Convention, hindered a full assessment of the State party's implementation of the Convention.

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

348. The Committee welcomes the establishment of the Higher Committee for Children (1997) and the State party's achievements in the areas of education, particularly in raising enrolment and literacy rates, and health, including the coverage of its immunization programmes and access to basic services. It also welcomes the State party's generous assistance in humanitarian matters, including in collaboration with United Nations agencies.

C. Factors and difficulties impeding the implementation of the Convention

349. The Committee recognizes that restrictions on the State party's external trade during some of the reporting period limited the resources available for the full implementation of its obligations under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous concluding observations

350. The Committee regrets that many of the concerns expressed and recommendations (see CRC/C/15/Add.84) made following consideration of the State party's initial report (CRC/C/28/Add.6) have been insufficiently addressed, and notes that many of the same concerns and recommendations appear in the present document.

351. 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.

Legislation

352. The Committee notes the adoption of the Child Protection Act No. 5 of 1997, in addition to the numerous other laws and decisions that have been adopted with a view to improving the welfare of children. It is concerned, however, that many measures reflect a predominantly welfare- rather than rights-based approach. The Committee reiterates its concern that several rights contained in the Convention (e.g. non-discrimination, the best interests of the child, rights concerning juvenile justice) are not adequately reflected in the laws, including personal status laws.

353. The Committee encourages the State party:

(a) To ensure that its laws, administrative regulations and legal procedure rules conform to the provisions and principles of the Convention and to other international human right standards; in this respect, it encourages the State party to take the necessary steps to adopt a single “integrated” law on children’s rights in order to provide a comprehensive legal foundation at the domestic level for the implementation of Convention rights;

(b) To take all possible measures to reconcile the interpretation of religious laws with fundamental human rights;

(c) To ensure that laws are based on a child-rights approach, are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

354. The Committee notes that the Higher Committee for Children (and its regional branches) is responsible for elaborating child welfare plans and programmes and coordinating their implementation through 26 categories of public authority (e.g. day nurseries, schools, health centres, social welfare homes, the Environmental Protection Agency). However, it also notes that services provided for children are decentralized through 26 *sha’biyya* (local authorities) throughout the State party “without the need for reference to a central institution”. The Committee reiterates the concern expressed in its previous concluding observations that this system lacks necessary and effective coordination. Given that the Higher Committee is composed of volunteers and officials seconded from government ministries, there may be some doubt as to whether its structures are sufficiently robust to perform its functions. The Committee also notes that the various programmes and welfare plans do not constitute a much-needed comprehensive national plan of action for the implementation of the Convention.

355. The Committee recommends that the State party:

(a) Strengthen intersectoral coordination and cooperation at and between national and local levels of government, for example, by providing the Higher Committee with the necessary powers and resources;

(b) Prepare and implement a comprehensive and rights-based national plan of action for the implementation of the Convention, taking into account the outcomes of the General Assembly special session on children and paying special attention to children belonging to the most vulnerable groups (e.g. poor and rural households), through an open, consultative and participatory process;

(c) Seek technical assistance from, among others, UNICEF.

Data

356. The Committee notes the progress made in the collection of data on children by the National Organization for Information and Documentation and the sectoral information and documentation centres.

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

(a) Continue and strengthen its efforts to establish a system such that disaggregated data are collected on all persons under 18 years of age for all areas covered by the Convention (e.g. victims of abuse, children living in remote areas, children with disabilities, children of poor households, adolescent health), and use these data to assess progress and design policies and programmes to implement the Convention;

(b) Seek technical assistance from, among others, UNICEF.

Monitoring structures

358. The Committee welcomes the regular evaluations of the progress achieved in implementing the Convention. The Committee notes that both the Higher Committee for Children and the Secretariat for Legal Affairs and Human Rights (established in March 2002) are charged with monitoring and investigating violations of children's rights and ensuring respect for human rights in public and private life. The Committee is concerned that the existence of two entities with the same functions may result in overlap and problems of coordination which may have a negative impact on the effectiveness of these governmental (self-) monitoring bodies. The Committee is furthermore concerned at the absence of a fully independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention, and which is mandated to receive and address complaints by children of violations of their rights.

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

(a) Clearly define the respective roles of the two governmental bodies regarding the self-monitoring of the human rights of children in order to avoid overlap and promote effective coordination;

(b) Consider establishing an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134, annex), and taking into account 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 child rights in a child-sensitive manner and to address them effectively;

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

Resource allocation

360. The Committee welcomes information on progress achieved in addressing economic disparities between regions, but is concerned at the lack of specific information in terms of the percentage of the national budget allocated for expenditures in the various areas covered by the Convention, and that insufficient attention has been given to the allocation of resources for programmes and policies to promote the civil and political rights of children.

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

(a) **Develop a budgeting system that would allow expenses for children's issues as a percentage of the national budget to be clearly identified, in order to have a clearer picture of the actual allocation of resources and a systematic assessment of the impact of those allocations on the implementation of children's rights;**

(b) **Strengthen its efforts to allocate resources for programmes and policies to promote the civil and political rights of children.**

Cooperation with civil society

362. The Committee notes the information on cooperation with national associations in the development and welfare sectors, but is concerned that little effort has been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms. The Committee notes that the delegation was unable to provide complete information on the limitations imposed by law on, in particular, the registration and funding of organs of civil society.

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

(a) **Systematically involve civil society, especially children's associations, throughout all stages of the implementation of the Convention, especially with respect to civil rights and freedoms;**

(b) **Ensure that legislation regulating NGOs (including article 206 of the Penal Code) 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

364. The Committee is concerned at the low level of awareness of the Convention amongst professionals working with and for children and the general public, including children themselves. In particular, judges, magistrates and legal practitioners are not, in the Committee's view, provided with sufficiently developed professional training in the area of human rights, including Convention rights. The Committee is concerned that the State party is not undertaking sufficient measures to disseminate and raise awareness of international human rights standards, including the Convention, in a systematic and targeted manner.

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

(a) **Develop a programme for the dissemination of information regarding the implementation of the Convention among children and parents (including initiatives to reach those groups who are illiterate or without formal education), civil society and all sectors and levels of government, including the *sha'biyya*;**

(b) Develop systematic human rights training programmes, including on the provisions of the Convention, for all professional groups working with children (e.g. the Basic and General People's Congresses, judges, magistrates, lawyers, law enforcement officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers);

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

2. Definition of the child

366. The Committee is concerned that:

(a) Even though the age of criminal responsibility is formally said to be 14 years, in practice a measure of criminal responsibility is also imputable to children aged 7 to 14 years and is punishable by, inter alia, custodial sentences; in the Committee's view, this is incompatible with the Convention;

(b) Although the age of compulsory recruitment into the armed forces is 18 years, article 1 of Mobilization Act No. 21 of 1991 allows for persons of 17 years to, among other things, engage in combat.

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

(a) Enact legislation ensuring that the minimum age of criminal responsibility, in law and practice, is consonant with international standards;

(b) Amend article 1 of Mobilization Act No. 21 of 1991 such that persons under 18 mobilized in the context of a general mobilization can serve the war effort without being deployed as active combatants.

3. General principles

Right to non-discrimination

368. The Committee is concerned that, contrary to article 2 of the Convention, discrimination, both direct and indirect, against certain children, their parents or legal guardians, persists in the State party, particularly with respect to birth out of wedlock.

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

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children 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 towards birth outside marriage and to include religious leaders in such efforts.

370. The Committee is concerned that xenophobia, particularly towards migrant workers, persists in the State party and that it is harmful to the child's developing respect for human rights, including the right to non-discrimination.

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

(a) Take all appropriate measures, including comprehensive public education campaigns, to prevent and combat negative societal attitudes towards migrant workers;

(b) Take due regard of the Human Rights Committee's general comment No. 23 on the rights of minorities, and include specific information in this regard in the next periodic report;

(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(d) Include specific information 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

372. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not explicitly incorporated in all legislation concerning children and is not always considered in practice. In particular, the Committee is not persuaded that a rigid custodial line of mother, maternal grandmother and father and the exclusion from custodial arrangements of foreign parents outside the State party necessarily give effect to this principle.

373. **The Committee recommends that the State party refer to, and fully incorporate in legislation and practice, article 3 of the Convention, including in the area of custody of children.**

Respect for the views of the child

374. The Committee welcomes efforts by the State party to promote respect for the views of children, such as in school congresses, courts, and institutions. Nevertheless, it is concerned that traditional attitudes towards children in society may limit respect for their views, especially within the family.

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

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

(b) **Develop programmes in community settings to train parents, teachers, social workers and local officials to support children in expressing their informed views and opinions, and to take those views into consideration.**

4. Civil rights and freedoms

Nationality

376. With reference to the recommendations contained in its previous concluding observations on this matter, the Committee welcomes the information that the Higher Committee is considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

377. **The Committee recommends that the State party support the Higher Committee in this regard with a view to guaranteeing that children of Libyan mothers have the same right to Libyan nationality as children of Libyan fathers.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

378. The Committee welcomes the prohibition of corporal punishment in schools and takes note of the information that measures have been adopted to report and investigate maltreatment of children. Nevertheless, it is concerned at the lack of information on the actual situation in the State party with respect to ill-treatment of children within the family. Further, it regrets the lack of information on prevention and awareness-raising activities.

379. **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 other forms of domestic violence, and use the results to design policies and programmes to address this issue;**

(b) **Carry out preventive public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;**

(c) **Take the necessary measures to prevent violence against, and abuse of, children;**

(d) Establish effective child-sensitive procedures and preventive mechanisms to receive, monitor and investigate complaints, including through the intervention of social and judicial authorities where necessary, to find appropriate solutions, paying due regard to the best interests of the child;

(e) Give attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;

(f) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases;

(g) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Children with disabilities

380. The Committee, while welcoming the efforts taken by the State party to guarantee rights to children with disabilities, remains concerned that the rights of children with disabilities have yet to be fully implemented, notably with respect to non-discrimination and to inclusion in regular education.

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

(a) Review existing policies and practice in relation to children with disabilities, taking due regard 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 rights of children with disabilities (see CRC/C/69);

(b) Undertake greater efforts to make available the necessary professional and financial resources;

(c) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups;

(d) Undertake greater efforts for inclusive education of children with all forms of disability;

(e) Seek assistance from, among others, UNICEF and WHO.

Adolescent health and HIV/AIDS

382. The Committee notes the establishment of the National Committee for AIDS Prevention in 1987 and other measures to address the problem of HIV/AIDS, but is concerned at the relatively high number of children afflicted by HIV/AIDS in Benghazi. The Committee is also concerned at the insufficient information available in relation to adolescent health, particularly in relation to mental health issues.

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

- (a) Continue and strengthen its activities to prevent HIV/AIDS;**
- (b) Provide the special AIDS clinic in the children's hospital with all the necessary human and financial resources to treat the child victims of HIV/AIDS in the best possible way, avoiding any form of discrimination;**
- (c) Ensure that adolescents have access to, and are provided with, education on adolescent health issues, in particular regarding mental health, in a sensitive manner;**
- (d) Take appropriate measures to reduce substance dependency amongst young people;**
- (e) Strengthen efforts in the area of adolescent health education within the school system;**
- (f) Seek assistance from, among others, UNICEF and WHO.**

7. Education

Education

384. The Committee notes the efforts of the State party to include some principles and provisions of the Convention in the school curricula, but is concerned that the aims of education outlined in article 29 of the Convention, including the development of and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities, are not explicitly part of the curricula. The Committee also regrets the lack of emphasis on early childhood development, shown notably in the very low numbers of children for whom pre-school care is provided.

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

- (a) Taking into account the Committee's general comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with respect to the development of and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities; religious leaders should be mobilized in this regard;**
- (b) Act to increase the resources devoted to early childhood development.**

8. Special protection measures

Refugees

386. While appreciating the aid provided to refugees and displaced persons in a number of conflict-ridden countries such as Sierra Leone, the Sudan and Afghanistan, the Committee is concerned that there is no legislation to specifically guarantee the protection and rights of refugee or asylum-seeking children in the State party.

387. **The Committee recommends that the State party ensure an effective legal framework for the protection of the rights of refugee and asylum-seeking children, in accordance with articles 2 and 22 of the Convention. In the light of the State party's accession to the regional instrument on refugees, the State party is encouraged to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and continue and expand its cooperation with UNHCR.**

Trafficking

388. The Committee is concerned about reports of trafficking of children to the State party for the purposes of prostitution and slavery. The Committee is concerned that there is a lack of information on and awareness of the trafficking and prostitution of children.

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

- (a) Undertake a national study on the nature and extent of these phenomena;**
- (b) Take legislative and other measures to combat these practices;**
- (c) Carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to respect for his/her physical and mental integrity.**

Administration of juvenile justice

390. In addition to the de facto age of criminal responsibility of 7 years, which is much too low, the Committee is concerned that:

- (a) Conditions in detention, including pre-trial detention, are poor;
- (b) Status offences are criminalized (i.e. vagrant and street children may be placed in juvenile homes or other institutions);
- (c) That the Collective Punishment Law, which may affect children, violates fundamental human rights principles;
- (d) 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.

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

- (a) Ensure that its system of juvenile justice fully includes in 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;**

- (b) End the criminalization of status offences;**
- (c) Take legislative measures formally to abolish flogging as a punishment;**
- (d) Ensure that the deprivation of liberty is used only 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;**
- (e) Ensure that persons under 18 are not tried as adults;**
- (f) Ensure that children have access to legal aid and independent and effective complaints mechanisms;**
- (g) Repeal the Collective Punishment Law;**
- (h) Train professionals in the area of social rehabilitation of children.**

9. Optional protocols

392. **The Committee welcomes the delegation's assurance that the State party intends, in the very near future, to ratify 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, and encourages the State party to take the necessary measures of implementation as soon as possible.**

10. Dissemination of reports

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

11. Periodicity of submission of reports

394. **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 of the consideration of its second report, the Committee invites the State party to submit a consolidated third and fourth periodic report on 14 November 2008, i.e. 18 months before the date on which the fourth periodic 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.**

Concluding observations: Jamaica

A. Introduction

395. The Committee considered the second periodic report of Jamaica (CRC/C/70/Add.15), at its 879th and 880th meetings (see CRC/SR.879 and 880), held on 30 May 2003, and adopted, at the 889th meeting (see CRC/C/SR.889) held on 6 June 2003, the following concluding observations.

396. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/JAM/2) which provided, inter alia, disaggregated data in various areas covered by the law. The Committee notes the open and constructive dialogue it had with the State party's high-level delegation.

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

397. The Committee welcomes, among other things:

- (a) The establishment of the Child Support Unit (1995);
- (b) The participation in frameworks of international cooperation concerning the implementation of the Convention;
- (c) The establishment of the Office of the Special Envoy for children in 1997;
- (d) The accomplishments in the area of health, such as the National Strategic Plan for HIV/AIDS/STI (2002-2006) and the establishment of a special unit in the Ministry of Education for children with disabilities (detection and education);
- (e) The activities regarding the dissemination of the Convention.

C. Factors and difficulties impeding the implementation of the Convention

398. The Committee notes:

- (a) That difficult socio-economic conditions and the high level of external debt place limitations upon the State party's financial and human resources;
- (b) That poverty, unemployment and long-standing economic and social disparities have a negative impact on respect for the rights of individual children;
- (c) That the incidence of hurricanes and other natural disasters add further difficulties to the already severe economic situation.

D. Principal subjects of concern and recommendations

Previous recommendations

399. The Committee regrets that some of the concerns expressed and recommendations in its concluding observations (CRC/C/15/Add.32) adopted following consideration of the State party's initial report (CRC/C/8/Add.12) have been insufficiently addressed, particularly those contained in paragraphs 18 (incorporation of the principles and provisions of the Convention into national legislation through constitutional reform and legislative review), 19 (monitoring and coordination of the implementation of the Convention, data collection), 20 (resources for children, adequate safety nets), 22 (non-discrimination) and 25 (violence, abuse). Those concerns and recommendations are reiterated in the present document.

400. **The Committee urges the State party to make every effort to address the 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.**

1. General measures of implementation

Legislation

401. With reference to the Committee's previous concluding observations (February 1995), in which the inclusion of children's rights in the Constitution and the drafting of a Child Care and Protection Act were mentioned as positive aspects, the Committee is very disappointed that eight years later these plans still have not been implemented and is concerned at the very slow legislative process of harmonization of the national legislation with the Convention. Furthermore, the Committee is concerned that the proposed Child Care and Protection Act does not fully take into consideration the provisions and principles of the Convention, inter alia the participatory rights of children.

402. **The Committee recommends that the State party urgently take all necessary measures to expedite the adoption of the draft Child Care and Protection Act, ensuring that it is in compliance with the provisions of the Convention and that sufficient human and financial resources are provided for its full and effective implementation. The State party is also encouraged to consider, in this respect, that the new legislation should cover children's rights rather than solely protection provisions and to ensure that all rights of the child are part of the national legislation.**

Coordination

403. Noting the information received on the Child Support Unit, the Programme Advisory Committee and the Children's Services Division, the Committee reiterates its concern that there is a lack of coordination in implementing all rights in the Convention.

404. **The Committee recommends that the State party establish one identifiable governmental body, e.g. a Policy Authority, for the coordination of all activities regarding the implementation of the Convention with a strong mandate and sufficient human and financial resources to carry out its coordinating role effectively.**

Independent monitoring structures

405. While noting the information that the Child Care and Protection Act will provide for the establishment of the Child Advocate, the Committee reiterates its concern about the lack of an independent body for the implementation of the Convention. The Committee is furthermore concerned at the State party's withdrawal from the first Optional Protocol to the International Covenant on Civil and Political Rights in 1998, which eliminated the right to submit individual communications for individuals under the State party's jurisdiction and which also directly affects persons under 18 years.

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

(a) Establish an independent and effective mechanism, e.g. through the creation of the Office of the Child Advocate, in accordance with the Paris Principles and the Committee's general comment No. 2;

(b) Seek technical assistance from, among others, UNICEF and OHCHR;

(c) Consider re-acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights.

National plan of action

407. The Committee notes with appreciation the State party's intention to develop a national plan of action, based on the outcome document of the General Assembly special session on children held in May 2002, "A world fit for children".

408. **The Committee encourages the State party to go through with its plans to develop a national plan of action and, in doing so, develop a clear and comprehensive child rights policy.**

Data collection

409. The Committee welcomes the information that the State party, in collaboration with UNICEF, has developed JAMSTATS, a database collecting disaggregated data and using several child rights indicators on the basis of childinfo (the UNICEF database management software), and that this programme will be launched in July 2003.

410. **The Committee encourages the State party to continue to strengthen this data collection system, inter alia with regard to important health indicators such as infant, under-5 and maternal mortality rates, ensuring the timeliness and reliability of both quantitative and qualitative data and using it in the formulation of policies and programmes for the effective implementation of the Convention.**

Resources for children

411. The Committee, aware of the economic difficulties facing the State party, is nevertheless concerned that the budgets for education and health are decreasing as percentages of the national budget and that the State party has not fully complied with the provisions of article 4 of the Convention in terms of the allocation of resources for the implementation of the Convention.

412. With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

Dissemination

413. While noting the considerable efforts by the State party to promote awareness of the principles and provisions of the Convention through, inter alia, governmental conferences, workshops, seminars, child participation activities and the use of the media and publications, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

414. The Committee recommends that the State party continue and strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training on the rights of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers, as well as children and their parents, in order to ensure that implementation of the Convention is made possible on a local, family and individual level.

2. Definition of the child

415. The Committee notes the preparation of the Child Care and Protection Act and thereby the efforts by the State party to bring the legal minimum ages into line with the Convention. On this aspect, it expresses its concern:

(a) That the current minimum low working age (12 years) is not always adhered to in practice and that it is inconsistent with the age of completion of compulsory education (14 years);

(b) About the low legal age of criminal responsibility (12 years).

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

(a) **Raise the minimum age of admission to employment, in accordance with international standards and undertake awareness-raising campaigns in this regard;**

(b) **Raise the minimum legal age of criminal responsibility to an internationally acceptable age.**

3. General principles

Non-discrimination

417. The Committee is concerned that:

(a) The Constitution of Jamaica does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of the child's or his or her parents' or legal guardian's language, religion, ethnic or social origin, property, disability, birth or other status;

(b) With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO/6), the State party does not pay enough attention to the problems of racial discrimination within the State party;

(c) Children with disabilities are de facto discriminated against by the absence of specific guarantees for their integration into regular schools and are hindered, inter alia, by limited access to facilities;

(d) Children who are known to be infected with HIV/AIDS are discriminated against at school by some teachers.

418. **The Committee recommends that the State party amend its legislation, including the Constitution, to ensure that it fully corresponds to the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected with or affected by HIV/AIDS, children with disabilities, equality between boys and girls and racial discrimination.**

419. **The Committee further 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

420. Due to the lack of information concerning the protection of the best interests of the child, the Committee remains concerned that the principle is not fully recognized and implemented in all relevant legislation and in decisions relating to children, including with regard to the administration of juvenile justice and the right to health.

421. **The Committee recommends that the State party ensure that the principle of the best interests is reflected in all relevant legislation, policies and programmes for the implementation of the Convention.**

Respect for the views of the child

422. While noting the State party's efforts to ensure child participation, including through the annual child month, the Committee remains concerned that children have limited opportunities to express their views in school, in courts, within administrative processes or within the family.

423. **In the light of article 12 of the Convention, the Committee recommends that the State party ensure that children's views are given due consideration in courts, schools, the family and relevant administrative and other processes concerning children through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children and the use of information campaigns, as well as through child participation in preparing the next report for the Committee.**

4. Civil rights and freedoms

Birth registration

424. The Committee welcomes the measures taken by the State party to improve birth registration, e.g. mobile units visiting rural communities, but is concerned at the fact that the level of registration decreased in 2001.

425. **The Committee recommends that the State party more effectively enforce the Registration Act and facilitate late registration.**

Violence/abuse/neglect

426. The Committee is deeply concerned about:

(a) The generally violent environment in which Jamaican children are living;

(b) The stereotypical and discriminatory attitudes concerning the roles of women and children, including traditions of violence, abuse, including sexual abuse, and neglect.

427. **The Committee urges the State party to strengthen considerably its efforts to address and condemn violence in society, including violence against women and children, particularly in the context of the family, as well as in schools and other environments. Further, it recommends that the State party take steps to monitor and address any incidents of violence and sexual or other abuse against children and take measures to ensure the rehabilitation of traumatized and victimized children by, inter alia:**

(a) **Carrying out public education campaigns about the negative consequences of violence and ill-treatment of children and promoting positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system;**

(b) Taking all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in all contexts in society, as well as taking effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, thereby putting an end to the practice of impunity;

(c) Providing care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not revictimized in legal proceedings and that his/her privacy is protected;

(d) Taking into consideration the recommendations of the Committee adopted on its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seeking assistance from, among others, UNICEF and WHO.

5. Family environment and alternative care

Family environment

428. While noting the work done, inter alia within the Poverty Eradication Programme, and the growing number of family counselling services and parental education programmes, the Committee nevertheless remains concerned about:

(a) The large proportion of Jamaican families living in poverty, especially in rural and inner-city communities;

(b) The difficult domestic employment situation and its negative impact on the family situation, e.g. the practice of “child shifting” and situations where one or both parents migrate, leaving the children behind;

(c) The fact that almost half of all families are headed by female single parents and that their related poverty places children of these families at particular risk of violations of their rights;

(d) The ongoing difficulties in the field of guidance concerning parental responsibilities.

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

(a) Make every effort to provide support to children within the context of the family and consider, inter alia, means of improving employment prospects for parents within the State party;

(b) Give particular support to children in single-parent families;

(c) Increase its attention to parenting education and needs-based counselling services, especially for fathers, and strengthen support to NGOs working to improve parenting styles. The Committee recommends that the State party seek assistance in establishing targeted programmes from, for example, UNICEF.

Children deprived of a family environment

430. The Committee welcomes the information that a committee was established in January 2003 to review children's homes and to make recommendations for improvements. However, it expresses its concern about the very poor conditions of children's homes (e.g. non-compliance with fire regulations), the inadequate access to educational facilities and the incidence of sexual and other abuse implying, inter alia, the risk of STI transmission.

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

(a) Expedite the work of the review committee and take all necessary measures, as a matter of urgency, to improve the quality of care in children's homes and to protect children living in such homes against all forms of abuse, seeking assistance from, among others, UNICEF;

(b) Review the existing legislation on adoption in the light of the provisions of the Convention and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

6. Basic health and welfare

Children with disabilities

432. While noting the progress made in the area of the rights of children with disabilities, including the work done in cooperation with NGOs and United Nations agencies and, inter alia, the adoption of the Copenhagen Declaration and Plan of Action of 1995, the Committee remains concerned that:

(a) The State party's statistics on children with disabilities may be incomplete and, in particular, do not take into consideration all children with disabilities, as can be seen, for instance, in the fact that children with disabilities are not included in government children's homes;

(b) There are insufficient resources and no specialized staff and institutions for children with disabilities, including day-care opportunities, as well as insufficient therapeutic and training programmes for children, parents and staff;

(c) There is no national system for early detection and intervention with regard to children with disabilities;

(d) Insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and society in general, including efforts to change traditional attitudes towards persons with disabilities and to improve access to information, medical facilities, etc.

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

(a) **Conduct a survey to identify the number of children with disabilities, including children in government children's homes, as well as causes of and ways to prevent disability;**

(b) **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible to children with disabilities;**

(c) **Establish a national system for early detection, referral and intervention including both increased government provisions via public institutions, and community-based as well as NGO interventions;**

(d) **Seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of children with disabilities, their parents and professional staff working with and for children with disabilities.**

Health and health services

434. The Committee notes with appreciation the State party's considerable achievements in the area of health care and its awareness of and intention to further improve the health situation among children through, inter alia, the adoption of the National Health Services Act, the expansion of health programmes and campaigns and the establishment of a quality assurance programme for the training of health personnel. However, the Committee remains concerned about:

(a) The insufficient number of health personnel, medicines and supplies to meet the needs of sick children;

(b) The problems of environmental degradation within the State party, including air pollution and difficulties accessing safe, clean water in a number of rural and inner-city areas;

(c) The high rates of children and adolescents who are victims of accidents and violence.

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

(a) **Continue taking all appropriate measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate basic medicines for all children, as well as by paying attention to the mental health of children and young people;**

(b) Intensify its efforts to address environmental health concerns, particularly with regard to air pollution and solid waste management, and increase access to safe drinking water and sanitation;

(c) Intensify efforts to improve safety for all children by reducing violence and abuse as well as preventing accidents through, inter alia, life-skills education campaigns and undertaking a review of existing preventive and guidance measures, including counselling, and mental health-care services.

Adolescent health

436. The Committee is concerned that:

(a) Adolescents face particular physical and mental health risks, including from sexual abuse, violence, drug and alcohol abuse and STIs;

(b) The rate of teenage pregnancy and number of very young mothers are disturbingly high.

437. **With reference to the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.75) and the Committee on the Elimination of Discrimination against Women (A/56/38, paras. 195-233), the Committee recommends that the State party:**

(a) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health, substance abuse and health education in schools, ensuring the full participation of adolescents;

(b) Consider means of reducing teenage pregnancy, including by strengthening reproductive health education and education in family planning for adolescents as well as campaigns and education programmes to change attitudes towards fertility and sexuality, and ensure the provision of full health and counselling support for pregnant girls and that these girls are able to continue their formal education.

HIV/AIDS

438. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS, but remains concerned about the increasing incidence of the infection. The Committee is deeply concerned at the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to the rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression.

439. **The Committee recommends that the State party further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their**

families, including by taking into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243), and involve children when implementing this strategy.

Social security and standard of living

440. Noting the intention to reform the social safety net for the poor, the Committee, in the light of its earlier concern about the large number of families living in poverty (CRC/C/15/Add.32, para. 20), wishes to stress that the situation is made more difficult by the lack of an efficient social security policy. The Committee is also concerned that the existing standard of living hampers children's physical, mental, spiritual, moral and social development.

441. The Committee therefore recommends that the State party strengthen its efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children. Furthermore, the Committee recommends that the State party develop and implement a poverty reduction strategy and seek assistance from the international community, including United Nations agencies and other competent bodies, in that effort.

7. Education, leisure and cultural activities

442. The Committee welcomes the State party's progress in the field of education, but remains concerned about:

(a) The effectiveness of measures taken to implement the child's right to education and leisure activities in accordance with article 28, 29 and 31 of the Convention, particularly in view of the inadequacy of budget allocations;

(b) The inadequate supervision of the quality of pre-schools and primary schools and the lack of appropriate material and qualified teachers;

(c) The equality of access to education, in particular concerning boys and children from poor families;

(d) The high illiteracy rates and the poor results in regional examinations, as well as low attendance, high dropout and high repetition rates;

(e) The use of corporal punishment in schools.

443. The Committee recommends that the State party, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education):

(a) Carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities;

(b) Intensify its efforts to improve the quality of education and management of schools and continue its current efforts to address problems with regard to the standards of teaching materials and training of staff;

(c) Seek to further implement participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the accessibility to education of children from all groups in society, particularly children from poor backgrounds, including reviewing the system of school fees; and make every effort to raise awareness in society of the importance of education for all children;

(d) Take additional steps, including non-formal measures, to address the high illiteracy rates and the poor results in national examinations; take measures to increase school attendance and reduce the high dropout and repetition rates; and give appropriate assistance to adolescents who are in the process of transition from school to work;

(e) Adopt appropriate legislative measures to combat the use of corporal punishment in the schools;

(f) Seek further technical assistance from, among others, UNICEF and UNESCO.

8. Special protection measures

Economic exploitation, including child labour

444. The Committee notes the preliminary assessment of the worst forms of child labour in Jamaica (ILO/IPEC, November 2001) and the State party's expressed intention to ratify the ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). However, the Committee remains concerned about the actual child labour situation and notes the scarcity of data with regard to child labour.

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

(a) Take further measures to assess the scope and nature of economic exploitation of children in all sectors and take the necessary measures to reduce and eliminate child labour, in close cooperation with ILO, including by introducing a separate legal provision prohibiting the employment of children under the age of 18 in hazardous work, i.e. work that is likely to be harmful to the child's full and holistic development;

(b) Take action to implement all policies and legislation relevant to child labour, inter alia through campaigns and education for the public on protection of the rights of children;

(c) Ratify and implement ILO Conventions Nos. 138 and 182.

Street children

446. While noting that the State party is aware that the number of street children is increasing, the Committee remains concerned at the situation of street children and at the lack of specific mechanisms and measures to address this situation, as well as the lack of relevant data in this regard.

447. **The Committee recommends that the State party undertake a study on the scope and causes of the phenomenon; create a legislative framework; continue and strengthen its efforts to assist street children, including to reintegrate into their families; and take preventive measures, seeking international assistance from UNICEF and ILO in this regard.**

Sexual exploitation and trafficking

448. The Committee is concerned at the sexual exploitation and trafficking of children, including street children, and the lack of accurate data and adequate laws and policies in this regard.

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

(a) **Undertake a study to examine the sexual exploitation of children, gathering accurate data on its prevalence;**

(b) **Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;**

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

Juvenile justice

450. While recognizing the State party's efforts and achievements in this domain, the Committee remains concerned that:

(a) There is no independent mechanism to monitor and evaluate the situation of children in conflict with the law, including children deprived of their liberty, and the rehabilitation of juvenile offenders;

(b) The stereotypical inflexible attitudes concerning children's rights among police officers and members of the judiciary are impeding the full implementation of the Convention in this regard;

(c) Children are sometimes held in lock-ups by the police in sub-standard conditions, and that children in pre-trial detention may wait as long as a year before their case is dealt with by the court.

451. **The Committee recommends that the State party, in the light of the Committee's day of general discussion on juvenile justice, develop mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards, in particular**

articles 37, 39 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). In particular, the Committee recommends that the State party:

(a) Establish an independent mechanism to monitor the situation of children in conflict with the law, including children in juvenile detention centres, and monitor preventive, recovery and evaluation policies in this regard;

(b) Amend the legislation to ensure that children are not sentenced to life imprisonment;

(c) Strengthen its efforts to educate and sensitize police personnel, judicial personnel and other staff within the justice system to the provisions of the Convention, especially concerning the special needs of children deprived of their liberty, to ensure that the rights of the child, inter alia to be separated from adults and to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, are always respected;

(d) Take further measures to ensure that detainees under the age of 18 are not kept, or even placed, in police lock-ups in sub-standard conditions, inter alia by improving the living conditions of children on remand and encouraging communication between the police and children's officers responsible for the placement of detained children, and take further measures to introduce more alternatives to institutionalization of juvenile offenders. In this regard, the Committee wishes to emphasize that article 37 (b) of the Convention requires that detention shall be used only as a measure of last resort and for the shortest appropriate period of time;

(e) Evaluate and improve the standards of the juvenile institutions, such as the Places of Safety, including their living conditions, reintegration and psychological recovery programmes and the quality of the personnel;

(f) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.

9. Optional Protocols

452. The Committee welcomes the ratification in 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the signature in 2000 of the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee encourages the State party to ratify the latter.

10. Dissemination of reports

453. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that 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 of the discussion 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 at all levels of administration of the State party and among the general public, including concerned NGOs.

11. Periodicity of submission of reports

454. **The Committee 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 parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine 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 under the Convention, the Committee invites the State party to submit its third and fourth periodic reports by 12 June 2008. 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.**

Concluding observations: Morocco

455. The Committee considered the second periodic report of Morocco (CRC/C/93/Add.3) at its 881st and 882nd meetings (see CRC/C/SR.881 and 882), held on 2 June 2003, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

456. The Committee welcomes the submission of the State party's second periodic report, which followed the established guidelines. The Committee also takes note of the submission of the written replies to its list of issues (CRC/C/Q/MOR/2), which allowed for a clearer understanding of the situation of children in the State party, although they were submitted too late to be translated into English in time. The Committee acknowledges that the presence of a highly qualified, cross-sectoral 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. Follow-up measures undertaken and progress achieved by the State party

457. The Committee welcomes the positive developments in the area of human rights, inter alia:

(a) The ratification of the two Optional Protocols to the Convention on the sale of children, child prostitution and child pornography (October 2001), and on the involvement of children in armed conflict (May 2002) and ILO Conventions No. 138 concerning

Minimum Age for Admission to Employment (January 2000) and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (January 2001);

(b) The hosting by the State party in recent years of several international conferences on the rights of the child, such as the Arab-African Forum Against the Sexual Exploitation of Children (2001) in preparation for the second World Congress against Commercial Sexual Exploitation of Children (Yokohama, 2001); and the Conference of Arab-African Ministers of Finance (2001) in preparation for the General Assembly special session on children;

(c) The increase in the age of compulsory recruitment into the armed forces to 20 years;

(d) The revision of the law concerning the protection of abandoned children (August 2002);

(e) The adoption of the Criminal Law Procedure containing a special chapter concerning juveniles in conflict with the law (due to enter into force in October 2003);

(f) The nomination of an Ombudsman (December 2002).

C. Factors and difficulties impeding the implementation of the Convention

458. The Committee acknowledges that poverty, the high rate of unemployment and the climatic conditions have a negative impact on the human and financial resources available for the implementation of the Convention and have increased the financial burden on households for health and education.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

459. The Committee welcomes the publication of the Convention in the *Official Gazette* and the ratification of ILO Convention No. 138, but regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.60) after its consideration of the State party's initial report (CRC/C/28/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 20 to 28, such as the reservation made to article 14 of the Convention, non-discrimination against girls and child labour. Those concerns and recommendations are reiterated in the present document.

460. **The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the concerns contained in the present concluding observations.**

Reservations

461. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which affects the implementation of the rights guaranteed in this article, but welcomes the information given during the dialogue that the State party will reconsider the need for this reservation.

462. The Committee, in line with its previous recommendations (CRC/C/15/Add.60, para. 18) and in light of the 1993 Vienna Declaration and Programme of Action, encourages the State party to reconsider its reservation to article 14 with a view to withdrawing it.

Legislation

463. The Committee welcomes the establishment of a ministerial committee within the Ministry of Human Rights to address the harmonization of domestic law with international human rights instruments, including the Convention. In addition, the Committee takes note of the draft presented to the Government by the National Observatory on the Rights of the Child for such harmonization. However, the Committee remains concerned that there are still discrepancies between domestic legislation and the Convention.

464. The Committee recommends that the State party continue and strengthen its efforts to incorporate into domestic law the rights, principles and provisions of the Convention in order to ensure that all legislation complies with the Convention and that the provisions and principles of the Convention are widely applied in legal and administrative proceedings.

Resources

465. The Committee notes the efforts undertaken to increase the budget allocations for the social sector, but remains concerned at the relatively low level of these allocations as a percentage of the national budget. The Committee is also concerned at the lack of a breakdown of budgetary resources allocated for children in the various ministries. The Committee is further concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of economic, social and cultural rights of children.

466. The Committee recommends that the State party:

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

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

Coordination

467. The Committee notes the establishment of the Office of the Secretary of State for Family Affairs and Social Welfare to coordinate all actions regarding children. However, the Committee, noting the information by the delegation that the change of title from Minister of State to Secretary of State does not change its level in the government hierarchy or its mandate, remains concerned that this body does not have the financial and human resources to coordinate the implementation of the Convention throughout the State party effectively.

468. The Committee recommends that the State party empower and provide the necessary financial and human resources to the Office of the Secretary of State for Family Affairs and Social Welfare so that it can effectively and efficiently coordinate the implementation of all areas of the Convention, both between ministries and between national, regional and local authorities.

National plan of action

469. The Committee notes that an evaluation of the 1992 Plan of Action was conducted by a national commission in preparation for the General Assembly special session on children, but remains concerned that the development of a new plan of action has not been started yet.

470. The Committee recommends that the State party take all necessary measures to expedite the preparation of a new plan of action for children and find the most appropriate way to proceed, e.g. through the revitalization of a reconstituted national commission which should include all major actors in the implementation of the Convention.

Independent monitoring structures

471. The Committee notes with appreciation the role of the National Observatory on the Rights of the Child in evaluating progress in the implementation of the Convention, as indicated in the State party's report (para. 71), and the nomination of the Ombudsman, but regrets the absence of an independent monitoring structure with a mandate which would include the power to receive and address individual complaints of violations of the rights of the child.

472. The Committee encourages the State party to consider the establishment of an independent national human rights institution, either as a part of the existing Observatory or Ombudsman's Office or as a separate body, in accordance with the Paris Principles and taking into account the Committee's general comment No. 2 on national human rights institutions, to monitor and evaluate progress in the implementation of the Convention at the national and local levels. In addition, the Committee recommends that the institution be allocated adequate human and financial resources and that its mandate include the power to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF.

Data collection

473. The Committee welcomes the statistical data provided by the State party annexed to its report and in the written replies, as well as its intention to establish a national statistical information board. Nevertheless, the Committee remains concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

474. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age and urban/rural area. This system should cover all children up to the age of 18 years with specific emphasis on the particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, for example, UNICEF and UNDP.

Training and dissemination

475. The Committee welcomes the 1994 National Programme for Education and Human Rights which is still in its pilot phase and notes with appreciation the efforts made by the State party to publicize widely the principles and provisions of the Convention and to train various groups of professionals working with or for children. The Committee is, however, of the opinion that these measures need to be further strengthened and implemented in a sustained, comprehensive and systematic way.

476. In line with its previous recommendations (ibid.), the Committee recommends that the State party:

(a) Continue and strengthen its efforts to disseminate the Convention both among children and the wider public, including by means of appropriate material specifically for children and translated into the various languages spoken in the State party, notably in the Tamazight language and Moroccan dialect;

(b) Continue and strengthen in a more systematic and sustained manner its education and training programmes on the principles and provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, teachers, health personnel, social workers and religious leaders.

2. Definition of the child

477. The Committee notes the positive measures taken to bring the different age requirements into full compliance with the Convention, inter alia by raising the minimum age of admission to employment to 15 years. While noting the statement of the delegation that the State party intends to increase the minimum age of marriage for girls to 18 years, the Committee remains concerned at the disparity in the minimum ages of marriage for boys (18 years) and girls (15 years).

478. **The Committee recommends that the State party rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls to that of boys.**

3. General principles

Right to non-discrimination

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth. The Committee is concerned at the persistent disparities between different regions and between rural and urban areas.

480. **In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.**

481. **The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention on the Rights of the Child taken by the State party as a follow-up to the Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking into account the Committee's general comment No. 1 on article 29 (1) (aims of education).**

Best interests of the child

482. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests).

483. **The Committee recommends that the State party in its review of legislation and administrative measures ensure that article 3 of the Convention is duly reflected therein and taken into consideration.**

Respect for the views of the child

484. The Committee welcomes the establishment of the Children's Parliament and the development of a model for Children's City Councils, but remains concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children on the part of schools, courts, administrative bodies and, especially, the family.

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

(a) Support and strengthen the activities of the Children's Parliament and develop effective and adequately resourced Children's City Councils;

(b) Promote and facilitate, within the family, the schools, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(c) Develop skills-training programmes in community settings for teachers, social workers, local officials and religious leaders to enable them to assist children to express their informed views and opinions and to take those views into consideration;

(d) Seek assistance from UNICEF, among others.

4. Civil rights and freedoms

Birth registration

486. The Committee welcomes the new law on birth registration that has been in force since May 2000, but remains concerned at the rather low level (85.5 per cent) of birth registration.

487. The Committee recommends that the State party ensure effective implementation of the new law, supported by awareness-raising campaigns concerning the importance of birth registration, in order to achieve 100 per cent birth registration by May 2008.

Right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment

488. The Committee notes the efforts undertaken by the State party to raise awareness among law enforcement personnel, but remains deeply concerned about allegations of ill-treatment of children by law enforcement officers.

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

(a) Take all necessary measures to prevent all forms of ill-treatment by law enforcement officers or any other officials;

(b) Set up child-sensitive mechanisms to receive, investigate and prosecute complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres;

(c) **Strengthen its efforts to train law enforcement personnel on the human rights of children;**

(d) **In light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.**

5. Family environment and alternative care

Children deprived of a family environment

490. The Committee expresses its concern at the large number of children who are placed in institutions and at the living conditions in these institutions, and at the increasing number of children who are abandoned by their parents.

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

(a) **Undertake a study to assess the situation of children placed in institutions, including their living conditions and the services provided;**

(b) **Develop programmes and policies to prevent the placement of children in institutions, inter alia by providing support and guidance to the most vulnerable families and by conducting awareness-raising campaigns;**

(c) **Take all necessary measures to allow children placed in institutions to return to their families whenever possible and consider the placement of children in institutions as a measure of last resort;**

(d) **Set clear standards for existing institutions and ensure periodic review of the placement of children, in light of article 25 of the Convention.**

Alternative care

492. The Committee welcomes the adoption of Dahir No. 1-02-172 in June 2002 revising Dahir No. 1-93-165 which regulates the *kafalah* system, but is concerned that its implementation may encounter difficulties. In addition, the Committee is concerned that in practice more girls than boys benefit from *kafalah*.

493. **The Committee recommends that the State party take all necessary measures to fully implement the new dahir on the *kafalah* system in order to ensure that:**

(a) **A judicial decision is at the origin of the placement of the child;**

(b) **All social benefits are attributed to these children in the same way as is done for other children;**

(c) Effective mechanisms to receive and address complaints from children are established, standards of care are monitored and, in light of article 25 of the Convention, placement is reviewed periodically;

(d) Boys and girls are given the same opportunities under *kafalah*.

Illicit transfer and non-return of children abroad

494. The Committee is deeply concerned at the existence of difficulties in the implementation of decisions of the courts regarding custody and visitation rights for Moroccan children one of whose parents live outside Morocco and for foreign children one of whose parents is Moroccan.

495. The Committee recommends that the State party undertake all necessary efforts to strengthen dialogue and consultation with relevant countries, as mentioned in the State party's report (para. 258), notably those with which the State party has signed an agreement regarding custody or visitation rights, and ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

Violence, abuse, neglect and maltreatment

496. The Committee notes the establishment of a committee of experts to draft a national strategy to fight child abuse and the exploitation of children and the various initiatives undertaken to raise awareness on this issue, such as the note sent in 2000 by the Ministry of Education to all education professionals directing them to refrain from administering corporal punishment. However, the Committee remains concerned at the apparently ongoing, and rather common, use of corporal punishment in schools; the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children; and the insufficient financial and human resources allocated to programmes to combat the abuse of children. Moreover, the Committee is concerned at the age-limit set in the legislation regarding certain types of violence against children as children over 12 do not benefit from the same protection as younger children (report, para. 183).

497. In light of article 19 of the Convention, the Committee recommends that the State party:

(a) Conduct a study to assess the root causes, nature and extent of ill-treatment and abuse of children, and design policies and programmes to prevent and combat it;

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

(c) Amend its legislation regarding the existing age-limit for special protection against violence;

(d) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

- (e) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;**
- (f) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**
- (g) Provide facilities for the care, recovery and reintegration of victims;**
- (h) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment;**
- (i) Seek assistance from, among others, UNICEF and WHO.**

6. Basic health and welfare

Health and health services

498. The Committee notes the sustained commitment by the State party to implement its primary health policies, notably through several national programmes, including the National Immunization Programme and the Programme for Integrated Management of Childhood Illness. However, the Committee remains concerned at the relatively high child, infant and maternal mortality rates; the lack of coordination between the various existing health programmes; the important disparities between rural and urban areas regarding access to health services; the high incidence of iodine-deficiency disorders; and the decreasing use of breastfeeding, taking into account the existence of a national strategy for breastfeeding.

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

- (a) Strengthen its efforts to allocate appropriate resources, and develop, adopt and implement coordinated policies and programmes to improve and protect the health situation of children, particularly in the rural regions;**
- (b) Facilitate greater and equal access to primary health services, reduce the incidence of maternal, child and infant mortality, prevent and combat iodine-deficiency disorders and promote proper breastfeeding practices;**
- (c) Seek technical assistance from, among others, WHO and UNICEF.**

Adolescent health

500. 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 high percentage of early pregnancies, which can have a negative impact on their health and education.

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

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls;

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

HIV/AIDS

502. The Committee welcomes the adoption of the National Strategic Plan to Fight AIDS, but remains extremely concerned at the increasing prevalence of HIV/AIDS amongst adults and children.

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

(a) Increase its efforts to prevent HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of children;

(b) Seek further technical assistance from, among others, UNICEF and UNAIDS.

Children with disabilities

504. The Committee notes the establishment of the Ministry of State for Disabled Persons and the adoption of Act 05-82 on the social protection of disabled persons and of Act 07-92 which provides a legal framework for the implementation of the previous Act. The Committee remains concerned at the lack of statistical data on children with disabilities in the State party, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, education and employment possibilities available to them, as well as at the very high rate of illiteracy among children with disabilities.

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

(a) Ensure the collection and use of adequately disaggregated and comprehensive data for the development of policies and programmes for children with disabilities;

(b) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities and allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;

(c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);

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

Standard of living

506. The Committee notes the efforts undertaken by the State party, notably through the National Five-Year Plan for Social and Economic Development (2000-2004), but remains concerned about the large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, children living in remote rural areas and street children. In addition, the Committee is concerned that not many children benefit from the social security system.

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

(a) Strengthen its efforts to provide support and material assistance to economically disadvantaged families, including single-parent families, and to guarantee the right of children to an adequate standard of living;

(b) Extend further and strengthen the social security coverage;

(c) Consider preparing a poverty reduction strategy with special emphasis on vulnerable children and their families;

(d) Seek assistance from United Nations agencies and donors.

7. Education, leisure and cultural activities

508. The Committee also welcomes the efforts undertaken by the State party in this regard through the Five-Year Development Plan, as well as through the National Programme for Education and Human Rights launched in 1994, and the programme of cooperation with UNICEF to increase the school enrolment of girls (1997-2001), but remains concerned at the high illiteracy rate, notably among women. In addition, the Committee is concerned at the high dropout and repetition rates, gender and regional disparities in the education system, the cost of primary education (supplies, textbooks, etc.) and the decreasing enrolment in early childhood education. The Committee is further concerned at the decrease in the portion of the national budget allocated to education; at the living conditions of teachers, which affect the quality of education; and at the difficulties faced by the vocational training system (report, para. 518).

509. The Committee recommends that the State party:

(a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities, without any financial obstacles;

(b) Take the necessary measures, including the allocation of adequate financial, human and technical resources, to ensure better internal efficiency in the management of education, taking into account general comment No. 1 on article 29 (1) (aims of education);

(c) Pursue its efforts to introduce human rights, including children's rights, into the school curricula, as foreseen in the National Programme for Education and Human Rights;

(d) Seek to implement additional measures to promote early childhood education and to encourage children to stay in school, and adopt effective measures to reduce illiteracy rates;

(e) Continue cooperation with UNESCO and UNICEF in improving the education sector.

8. Special protection measures

Children affected by armed conflict

510. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the involvement of children in armed conflict and the setting of the minimum age for compulsory recruitment into the armed forces at 20 years, but remains concerned at the situation of children living in Western Sahara.

511. In light of article 38 of the Convention, the Committee recommends that the State party take all feasible measures to ensure full protection and care of children who are affected by the armed conflict taking place in Western Sahara.

Migrant children

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

(a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;

(b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;

(c) To investigate in an effective way reported cases of ill-treatment of returned children.

Economic exploitation, including child labour

514. While noting the efforts of the State party to prevent and combat child labour (ratification of ILO Conventions Nos. 138 and 182, ILO/IPEC programme to fight child labour), the Committee is concerned that the incidence of economic exploitation remains widespread in the agricultural and handicraft sectors, including metalworking and jewellery-, carpet- and mosaic-making. The Committee is also deeply concerned at the situation of domestic servants (*petites bonnes*), mostly girls, who are subjected to harsh working conditions and abuse.

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

(a) **Continue to strengthen its integrated strategy to fight all forms of economic exploitation of children;**

(b) **Bring existing laws into full compliance with ILO Conventions Nos. 138 and 182, notably by enacting the new Labour Code, strengthen its labour inspectorates in terms of quantity and quality to ensure that labour laws are enforced, and protect children from economic exploitation, particularly in the informal sectors;**

(c) **Provide social rehabilitation for economically exploited children, notably by reintegrating them in the educational system;**

(d) **Take all necessary measures to prevent and end the practice of children working as domestic servants (*petites bonnes*) through a comprehensive strategy, notably by conducting debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;**

(e) **Continue cooperation with ILO/IPEC.**

Sexual exploitation

516. The Committee welcomes the hosting by the State party of the Arab-African Forum Against the Sexual Exploitation of Children in preparation for the Yokohama Conference and notes that the Penal Code is under review regarding this issue, but remains concerned at the high incidence of sexual exploitation in the State party. The Committee is also concerned at the fact that the legislation of the State party does not protect all children below 18 years from sexual exploitation, as various ages have been set in several acts regarding sexual exploitation. The Committee is further concerned at the status of child victims of sexual exploitation who may be treated as offenders.

517. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:**

(a) **Extend the protection from sexual exploitation in all relevant legislation to all boys and girls below the age of 18 years;**

(b) **Ensure that child victims of sexual exploitation are never considered as offenders but rather benefit from programmes for their rehabilitation and recovery;**

(c) Undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution and pornography;

(d) Develop and implement an integrated strategy to fight sexual exploitation of children 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.

Street children

518. The Committee welcomes the study on street children undertaken by the State party (report, para. 318), but expresses its concern at their increasing number and at the lack of specific policies and programmes to address this situation and to provide these children with adequate assistance.

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

(a) Establish a comprehensive strategy to address the large and increasing number of street children with the aim of protecting them and of preventing and reducing this phenomenon;

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(c) Ensure that these children are provided with recovery and reintegration services when they are victims of physical, sexual and substance abuse, protection from arrest by the police and services for reconciliation with their families, alternative families and community;

(d) Collaborate with NGOs working with street children in the State party and seek technical assistance from, among others, UNICEF.

Children in conflict with the law

520. The Committee welcomes the adoption of a new Penal Procedure Code (August 2002) and the fact that under this Code all children from 12 to 18 years who are in conflict with the law are accorded the full protection and special provisions of the Convention, but remains concerned that the full implementation of the Convention and related relevant standards may be hampered, inter alia by the lack of sufficient resources.

521. **The Committee recommends that the State party take all appropriate measures to implement in an effective manner the new Penal Procedure Code, ensuring that the new system is in conformity with the Convention, in particular articles 37, 39 and 40, and 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.**

522. **In addition, the Committee recommends that the State party:**

(a) **Undertake all necessary measures for the establishment of a sufficient number of juvenile courts and continue the training of juvenile judges;**

(b) **Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible period of time;**

(c) **Protect the rights of children deprived of their liberty and monitor the conditions of their detention, and ensure that children remain in regular contact with their families while in the juvenile justice system;**

(d) **Strengthen rehabilitation and reintegration programmes;**

(e) **Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.**

Minorities

523. The Committee is concerned that children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee is concerned that parents are not allowed to give Amazigh names to their children.

524. **In line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.57), the Committee recommends that the State party take all necessary measures to ensure that children belonging to the Amazigh community can exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee recommends that the State party allow parents from that community to give Amazigh names to their children.**

9. Dissemination of documentation

525. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic 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, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs. The Committee recommends that the State party request international cooperation in this regard.**

10. Periodicity of submission of reports

526. **In light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), the Committee 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 parties' responsibilities to children under**

the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. The Committee recommends that the State party submit its next periodic report on 20 January 2009, 18 months before the date of its next report according to the timetable provided in the Convention. This report will combine the third and fourth periodic reports, and 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.

Concluding observations: Syrian Arab Republic

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.

Concluding observations: Kazakhstan

582. The Committee considered the initial report of Kazakhstan (CRC/C/41/Add.13) at its 885th and 886th meetings (see CRC/C/SR.885 and 886), held on 4 June 2003, and adopted, at its 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

583. The Committee welcomes the submission of the State party's initial report, which follows the guidelines for reporting, as well as the submission of the written replies to its list of issues (CRC/C/Q/KAZ/1). The Committee notes the informative and constructive dialogue held with the State party's high-level delegation.

B. Positive aspects

584. The Committee welcomes the adoption of the new Constitution in 1995, giving legal recognition to human rights and freedoms, the ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

585. The Committee notes the enactment of new legislation during the reporting period, such as the Marriage and Family Act (1998), the Education Act (1999), Family-type Children's Villages and Young Peoples' Homes Act (2000), the Civil Code (1994 and 1999), the Criminal Code (1997), the Code of Criminal Procedure (1997), the Code for the Execution of Criminal Penalties (1997), the Code of Administrative Offences (2001), the Rights of the Child Act (2002) and the Children with Disabilities Act (2002).

586. The Committee appreciates the cooperation of the State party with OHCHR and the agreement to establish in Kazakhstan one of the two regional offices of the OHCHR regional project for Central Asia. The Committee notes the cooperation with other United Nations bodies and agencies as well as other international and regional organizations, in particular programmes of WHO, ILO, UNHCR, UNFPA and UNICEF.

587. The Committee notes the preparation of the outline of State policy on young people and the "Youth Kazakhstan" programme; the Department on family problems dealing with protection of the rights and lawful interests of children, set up within the National Commission on Family and Women's Matters in the Office of the President; and the Council on Youth Affairs set up in July 2000.

C. Factors and difficulties impeding the implementation of the Convention

588. The Committee notes that the State party continues to deal with serious economic, social and political challenges following independence in 1991, including a deterioration of living standards, high unemployment and growing poverty affecting particularly the most vulnerable groups of society, including single-parent families, and certain regions disproportionately. Furthermore, the two major ecological disasters - the shrinking of the Aral Sea and the radioactive contamination at the Semipalatinsk nuclear testing facility - have affected the health of a significant part of the population and their access to safe drinking water.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation and implementation

589. The Committee notes that international treaties ratified by Kazakhstan may be directly invoked in courts; however, it also notes that judicial practice demonstrates that these treaties are not used in domestic legal proceedings. It further notes that the Convention may take precedence over domestic law provisions in case of a conflict between the two, but is concerned

that this is not always the case. The Committee, while welcoming the many legislative measures taken, is concerned that their implementation is lacking or insufficient and restricted due to limited resources.

590. The Committee recommends that the State party continue and strengthen its efforts to bring national laws into full compliance with the principles and provisions of the Convention. The Committee further recommends that, as a matter of priority, the State party make sure that a mechanism/body is in charge of the effective implementation of the laws enacted with a view to implementing the Convention, and that sufficient human, financial and other resources are available.

Coordination

591. The Committee notes the information received concerning the establishment of the National Commission on Family and Women's Matters in the Office of the President in 1998, as well as the Council on Youth Affairs set up in 2000 as a consultative body within the Government. Nevertheless, the Committee remains concerned that there is a lack of coordination in implementing all the rights in the Convention.

592. The Committee, noting the information provided by the delegation on the role of the National Commission, recommends that the State party either strengthen the role of this Commission and provide it with sufficient human and financial resources, or establish a separate permanent body to coordinate the implementation of the Convention at the national and local levels, including by effectively coordinating activities between central and local authorities and cooperating with NGOs and other sectors of civil society.

Independent monitoring structures

593. The Committee notes the appointment by the President of the first Ombudsman in September 2002, but it is not clear to the Committee whether the Ombudsman's Office has been established as a fully independent national human rights institution in accordance with the Paris Principles. Furthermore, the Committee, noting the information that the Ombudsman has received complaints from parents and NGOs, nevertheless is concerned that this institution does not include a mechanism to address individual complaints about violations of rights of children in a child-sensitive manner.

594. The Committee encourages the State party to ensure that the Ombudsman institution is an independent and effective national institution with powers in accordance with the Paris Principles, and adequate human, financial and other resources. Furthermore, the Committee encourages the State party to establish within its structure either a commissioner specifically responsible for children's rights, or a specific section or division within the Ombudsman's Office responsible for children's rights, especially for addressing complaints made by children in a child-sensitive manner. In this respect, the Committee refers to its general comment No. 2 on national human rights institutions.

National plan of action

595. The Committee welcomes the information that the State party is considering developing a comprehensive plan of action for the implementation of children's rights, but is concerned that the implementation of such a plan may face difficulties, particularly due to lack of resources.

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

(a) Expedite and implement its plan to develop a national plan of action for the implementation of the Convention, integrating "A world fit for children" into its objectives and targets;

(b) Provide sufficient human, financial and other resources for an effective implementation of this plan and regularly assess its progress and impact.

Resources for children

597. The Committee notes the priority accorded by the State party to education and the information provided in its report on the budgetary allocations for health programmes, protection of mothers and children, and social security and assistance programmes. In particular, the Committee notes the adoption of a poverty reduction programme for 2003-2007 focusing on children and women. However, the Committee remains concerned that budget allocations for health services, education and other social services are low and that insufficient attention has been paid to article 4 of the Convention regarding implementation "to the maximum extent of available resources ..." of the economic, social and cultural rights of children.

598. The Committee further notes the discrepancy between the high level of GDP and the low standard of living of most of the population and is concerned that readjustment programmes may negatively affect children in a disproportionate manner.

599. **The Committee recommends that the State party, in light of articles 2, 3 and 6 of the Convention, pay particular attention to the full implementation of article 4 of the Convention by:**

(a) Increasing the budget for the implementation of the Convention and prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular children of socially marginalized groups and vulnerable children, with a view to making quality services accessible;

(b) Implementing its poverty reduction programme 2003-2007 with a view to improving the situation of children, in particular the most vulnerable, by, inter alia, targeted interventions to address the needs of the poorest groups of the population;

(c) Identifying the amount and proportion of the State budget spent on children through public and private institutions or organizations in order to evaluate the impact and effect of the expenditures and also, in view of the costs, the accessibility, quality and effectiveness of the services for children in the various sectors.

Data collection

600. The Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected or used effectively to assess progress and design policies to implement the Convention.

601. The Committee recommends that the State party, as a priority, systematically collect disaggregated data incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with 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 UNICEF.

Training/dissemination of the Convention

602. The Committee notes the various publications produced and disseminated by the State party to increase awareness of the Convention and the many activities of NGOs in that regard. The Committee is nevertheless concerned that awareness of the Convention amongst professionals working with and for children and among the general public, including children themselves, remains very low.

603. The Committee recommends that the State party:

(a) Continue and strengthen its efforts, in close cooperation with NGOs and other stakeholders, to raise awareness of the Convention among the public at large and among children and their parents in particular, using a wide variety of creative methods;

(b) Provide adequate and systematic training and sensitization on children's rights to professional groups working with and for children, such as parliamentarians, judges, lawyers, law enforcement and health personnel, teachers, school administrators and others, as required.

Cooperation with NGOs

604. The Committee welcomes the information that efforts are being made by the State party to facilitate registration of NGOs and to establish relationships between the Government and civil society and increase mutual cooperation. However, the Committee remains concerned that increased efforts have to be made to involve and support civil society in the implementation of the Convention following the rights-based approach.

605. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and encourages closer cooperation with NGOs. In particular, the Committee recommends that the State party involve NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.

2. General principles

606. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), the best interests of the child (art. 3), the right to life, survival and development of the child (art. 6) and respect for the views of the child according to age and maturity (art. 12) are not fully reflected and applied in the State party's legislation, policies and programmes at the national and local levels.

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

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

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

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

Non-discrimination

608. The Committee is concerned about the persistence of de facto discrimination, in particular, against children with disabilities, children in institutions, children of single parents, children living in rural areas, children living in ecologically hazardous areas, children born at home, children belonging to minority groups and girls.

609. **The Committee recommends that the State party closely monitor the situation of these groups of children and develop comprehensive proactive strategies containing specific and well-targeted actions aimed at preventing and eliminating all forms of discrimination, including access to education, health care and employment.**

610. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

611. The Committee welcomes the legislative provisions for measures designed to guarantee the right of children to express their views freely and to have those views taken into account. However, the Committee remains concerned that the age-limit set in this regard may hinder opportunities for children below this age to be heard, and that traditional attitudes towards children in society may limit the exercise of the rights contained in article 12 of the Convention.

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

(a) **Promote and facilitate, within the family and the school as well as in judicial and administrative procedures, listening to children and giving their views due weight, including children who are below the legal age-limit of 10 years if they are considered to be mature enough in this regard, so that children can participate in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, children themselves and society at large, on children's right to participate and to have their views taken into account;**

(c) **Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and children themselves.**

3. Civil rights and freedoms

Birth registration

613. The Committee takes note of efforts made to ensure registration at birth; however, it remains concerned that some children, particularly children born in families of Kazakh repatriates, do not acquire nationality at birth, which may have negative consequences for the full enjoyment of their rights.

614. **The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Access to appropriate information

615. In light of articles 13 and 17 of the Convention, the Committee is concerned that the quality and quantity of printed information, including children's books, available to children have decreased in recent years, while at the same time there is a lack of mechanisms to protect children from information and material injurious to their well-being. Furthermore, the Committee is concerned that the amendments to the Media Law may limit access to information.

616. **The Committee recommends that the State party take all effective measures, including enacting or reviewing legislation where necessary, to ensure that the child's freedom of expression and the right of access to information is guaranteed and implemented.**

Torture and other cruel, inhuman or degrading treatment or punishment

617. The Committee concurs with the content of the recommendations adopted by the Committee against Torture which are relevant to the situation of children below the age of 18. The Committee further notes that the Head of State expressed his concern that torture and

ill-treatment of suspects and detainees by law enforcement officers were becoming widespread and common practices, and welcomes the recent efforts to broaden the scope of punishment for offences committed against children. However, the Committee remains deeply concerned by continuing allegations that the torture of persons under 18, including for purposes of extorting confessions, is widespread, and that the existing procedure for investigating such allegations is ineffective and does not provide for the protection of the victims.

618. The Committee also notes that corporal punishment is forbidden in educational institutions, but remains concerned that inappropriate methods of discipline, including corporal punishment, continue to be used in such institutions. The Committee is further concerned that appropriate measures have not been taken to effectively prevent and combat any form of ill-treatment and corporal punishment of children within the family.

619. **In light of article 37 of the Convention and the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169), the State party should take all necessary and effective steps to prevent incidents of ill-treatment of children. The Committee recommends that the State party provide training to law enforcement officials, in particular on how to deal with persons under 18 years; ensure that children are adequately informed of their rights when they are detained; ensure that complaint procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; and provide rehabilitative support to victims. The Committee further recommends that the State party implement the recommendations made by the Committee against Torture (A/56/44, para. 129), in particular as they relate to persons under 18 years of age.**

620. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and other institutions. The Committee further recommends that the State party, through, for example, public awareness campaigns, promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in families, schools and other institutions.**

4. Family environment and alternative care

Family environment

621. The Committee welcomes the information contained in the State party's report that principles of legislation governing the family have been brought into line with the principles and provisions of the Convention; it also welcomes the expansion in recent years of advice centres for families. The Committee shares the serious concern of the State party relating to the extremely large number of abandoned children becoming de facto orphans because of the rising number of families experiencing difficulties due to socio-economic circumstances. In addition, the Committee is also concerned that limiting the duration of maternity leave, abolishing family leave, as well as abolishing or failing to pay many benefits to women with small children, put additional strain on families.

622. **In light of article 18, the Committee recommends that the State party:**

(a) **Take all effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children;**

(b) **Promote the family as the best environment for the child and provide counselling and community-based programmes to assist parents to keep children at home;**

(c) **Improve social assistance and support to families through advice and parenting education to promote positive child-parent relationships and increase financial support and other benefits for families with children, in particular for those living in poverty.**

Children deprived of a family environment/alternative care

623. The Committee welcomes the adoption of the Marriage and Family Act (1998) which introduces and promotes the concept of foster care as a way to reduce the number of children in institutions. However, the Committee is concerned that foster care and other forms of family-based alternative care are not sufficiently developed and available.

624. The Committee is further concerned at the continuing predominant use of institutional responses to provide assistance to children in difficulty and that these children have limited contact with the outside world and are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution at the age of 18. The Committee also expresses concern at the low quality of care and conditions in some of these institutions.

625. **In light of article 20 of the Convention, the Committee recommends that the State party:**

(a) **Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;**

(b) **Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;**

(c) **Place children in institutions only as a measure of last resort and as a temporary measure;**

(d) **Take all necessary measures to improve conditions in institutions, in accordance with article 3 (3) of the Convention, and increase the participation of children;**

(e) **Provide support and child rights-oriented training for personnel in institutions, including social workers;**

(f) Improve considerably the quality of care and the living conditions in institutions and make sure that standards of care are systematically monitored, and establish regular periodic review of placement, in accordance with article 25 of the Convention;

(g) Provide adequate follow-up and reintegration support and services for children who leave institutional care;

(h) Pursue additional avenues for cooperation and assistance in this respect with UNICEF, UNDP and other international organizations.

Adoption

626. The Committee notes the existence of the National Board on Adoption and of regulations for organizations involved in domestic and intercountry adoption. However, taking into account the very large number of abandoned children, the Committee is concerned at the lack of a comprehensive policy regarding domestic and intercountry adoption, including effective monitoring and follow-up of adoptions. The Committee is concerned that adoptions are processed in such a way that seriously hinders the right of the child to know, as far as possible, her/his biological parents.

627. The Committee recommends that the State party establish a comprehensive national policy and guidelines governing adoption, including mechanisms to review, monitor and follow up adoptions, in order to prevent any form of abuse of adoption for the purpose of exploitation and trafficking. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party undertake all necessary measures to allow all adoptive children to obtain, as far as possible, information on the identity of their parents. The Committee finally recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Periodic review of placement

628. The Committee notes that periodic review of placement is regulated by the Marriage and Family Act and the Civil Code; however, it remains concerned that financial and human resources may not be sufficient to adequately implement the legislative provisions. Furthermore, periodic review of placement of children placed under guardianship is not appropriately addressed.

629. In light of article 25 of the Convention, the Committee suggests that the State party establish effective mechanisms of periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Violence, abuse, neglect and maltreatment

630. The Committee notes the legislative provisions prohibiting neglect and the obligations on the part of the authorities to take the necessary steps to protect children from abuse and other forms of violence. Nevertheless, the Committee is concerned at the rising level of violence against children in general within society and, in particular, within the family. The Committee is

deeply concerned at the sharp rise in the number of abandoned children whose parents' whereabouts are unknown. The Committee is further concerned at the insufficient resources, both financial and human, the lack of adequately trained personnel to prevent and combat such abuse and the insufficiency of rehabilitation measures and facilities for victims, including psychological recovery and reintegration.

631. The Committee recommends that the State party reinforce its efforts to implement a comprehensive strategy to prevent and combat domestic violence, ill-treatment and abuse and to adopt adequate measures and policies to contribute to changing attitudes. The Committee further recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-sensitive judicial procedure and sanctions applied to perpetrators. Measures should also be taken to ensure the provision of support services to children in legal proceedings and the physical and psychological recovery and social reintegration of the victims, in accordance with article 39 of the Convention.

632. In this respect, the Committee urges the State party to implement the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) (A/56/38, para. 96) as they relate to children.

5. Basic health and welfare

Children with disabilities

633. The Committee welcomes the legislation relating to social, medical and educational support for children with special needs and is aware of the efforts of the State party to address the problems children with disabilities face, particularly relating to education, health and employment.

634. The Committee is deeply concerned by the information provided in the State party's report that the number of children with disabilities (currently 49,800) has tripled in the past 12 years, and notes that national legislation includes children only up to the age of 16 in the category of disabled children.

635. The Committee is concerned at the prevailing poor situation of children with disabilities. In particular it is concerned:

(a) That in the Constitution, disability is not included in the list of grounds for protection from discrimination;

(b) At the practice of institutionalizing children with disabilities;

(c) At the lack of counselling and psychological care provided by the State for disabled children;

(d) At the lack of State support to families with disabled children;

(e) At the societal discrimination faced by children with disabilities;

- (f) At the considerable reduction of privileges, including free medical care and prosthetics;
- (g) At the considerable reduction in the resources allocated to residential homes;
- (h) At the limited inclusion of, and access by, children with disabilities to various areas of daily life, in particular with regard to the education system.

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

- (a) Undertake studies to determine the causes of and ways to prevent children becoming disabled;**
- (b) Consider amending legislation so as to include all children below the age of 18 years into the category of disabled children;**
- (c) Conduct public-awareness campaigns to raise awareness of the situation and the rights of children with disabilities and to counter negative attitudes which hamper the implementation of these rights. The promotion of their rights could further be advanced through, for instance, support to parents' organizations and community-based services and a sustained programme to move children from institutions to a good family environment;**
- (d) Allocate the necessary resources for programmes, medicines and prostheses, trained staff and facilities for all children with disabilities, especially for those living in rural areas;**
- (e) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.**

Health and health services

637. While welcoming the efforts made in 2002 to increase the accessibility of health services in rural areas, the Committee remains concerned at the reduced quality and accessibility of health-care services, particularly affecting children in rural areas, as noted in the State party's report. The Committee further shares the concerns of CEDAW with respect to access to free medical care for women and the degree of environmental degradation, particularly as it affects access to clean drinking water, which has an extremely negative impact on the whole population and, in particular, women and children.

638. The Committee notes the international cooperation in the sphere of health, the special comprehensive medium-term programme for the protection of mother and child health 2001-2005, and the reduction, in recent years, of the infant mortality rate, the under-5 mortality rate and the maternal mortality rate, but is nevertheless concerned that these remain unacceptably high.

639. With regard to adolescent health, the Committee is concerned at the high rate of teenage pregnancies and abortions, which are one of the main causes of maternal mortality. Welcoming the national plan for counteracting the AIDS epidemic, it is further concerned at the emergence of problems relating to HIV/AIDS, drug addiction, alcoholism and increased use of tobacco.

640. The Committee expresses its concern at problems of poor access to safe drinking water, lack of food security and serious hazards arising from the Aral Sea disaster, as well as those relating to the Semipalatinsk nuclear testing site (closed in 1989), and notes that insufficient attention has been given to the long-term health and psychosocial consequences of the affected population.

641. **The Committee urgently recommends that the State party:**

(a) Ensure that all children, especially from the most vulnerable groups and in rural areas, have access to primary health care, and encourages the State party to pursue its efforts in this respect and to implement the recommendations of CEDAW as they relate to children;

(b) Develop a national policy in order to ensure an integrated and multidimensional approach to early childhood development;

(c) Continue and strengthen implementation of the WHO Integrated Management of Childhood Illness programme;

(d) Improve the specialized health care provided to children affected by the Semipalatinsk nuclear testing site, including its psychosocial aspect;

(e) Strengthen its efforts to detect and prevent diseases related to nuclear contamination;

(f) Focus more on a long-term developmental approach to the assistance extended to children through, inter alia, supporting United Nations initiatives in this area;

(g) Take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution of the environment and food products.

6. Education, leisure and cultural activities

642. The Committee welcomes the efforts taken by the State party to improve the education system with the introduction of the Education Act 1999 which includes such aims as ensuring compulsory secondary education for all children of school age, providing free textbooks to vulnerable children and compulsory pre-school attendance. The Committee remains concerned at the many difficulties education is facing, inter alia:

(a) The increase in the cost of education which limits access by children from economically disadvantaged households and rural areas;

- (b) The decrease in the number of pre-schools;
- (c) The increasing dropout rates in secondary and vocational education;
- (d) Important regional disparities in the number of educational establishments and in the quality of education, with rural areas being at particular disadvantage;
- (e) The implementation of education reforms without the necessary preliminary preparation and training of teachers.

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

- (a) Ensure the availability of free primary education and accessibility for all children in the State party, giving particular attention to children in rural communities, children from minorities, including repatriates and refugees or asylum-seekers, children from disadvantaged groups and those who need special attention, and high-quality education, including in children's own languages;**
- (b) Further pursue efforts to increase the number of pre-school establishments and encourage pre-school attendance, including by providing appropriate financial resources;**
- (c) Ensure that legislation with regard to compulsory education is enforced, including through the provision of appropriate resources for that purpose;**
- (d) Ensure that educational reforms are implemented with sufficient preparation and support to schools, including appropriate funding and teacher training, and establish a process for quality evaluation of the new programmes;**
- (e) Improve the quality of education in the whole country in order to achieve the goals mentioned in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education, and ensure that human rights education, including children's rights, is included into the school curricula, in the different languages of instruction where applicable.**

7. Special protection measures

Refugee and internally displaced children

644. The Committee welcomes the information provided on the new bill on refugees and notes the efforts of the State party relating to the repatriation of ethnic Kazakhs in this regard; however, the Committee is concerned that:

- (a) De facto refugees from certain countries are not granted refugee status;

(b) Problems exist in accessing education for children who have not been granted refugee status and do not have other documents that are required;

(c) The treatment, including nutritional and medical care, provided for illegal migrants, including children, arriving in western Kazakhstan seeking work is inadequate;

(d) Unaccompanied minors are not accorded the same treatment as other children deprived of their family environment.

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

(a) **Ensure that the (draft) law conforms to article 22 of the Convention and other international standards on the protection of and assistance to refugee children, expedite its promulgation and ensure its effective implementation;**

(b) **Introduce procedures for the issuance of proper internationally recognized birth certificates for refugee children and, if necessary, amend related legislation or administrative regulations;**

(c) **Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees and, in cases where no parents or other family members can be found, accord the child the same protection and care and social services as any other child permanently or temporarily deprived of his or her family environment receives;**

(d) **Consider measures through which asylum-seeking and refugee children can be granted equal access to services, in particular education, irrespective of who they are and where they live;**

(e) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

(f) **Continue and strengthen its cooperation with UNHCR.**

Administration of juvenile justice

646. The Committee welcomes the adoption in 1998 of the new Criminal Code introducing a special chapter entitled “Special features of criminal responsibility and punishment of minors” which takes on the requirements set out in articles 37 and 40 of the Convention.

647. The Committee further welcomes the information about two pilot projects on juvenile justice aiming at the establishment of a rights-based approach to juveniles in conflict with the law in full compliance with the Convention, but is concerned at the existing shortcomings in the juvenile justice system, inter alia:

- (a) The absence of specialized juvenile judges and/or courts and the insufficient number of legal professionals, social workers, community educators and supervision officers working in this field;
- (b) The parents or guardians of children kept in pre-trial detention are not immediately informed about such detention (in fact, often only after a lengthy period of time), which can last for 18 months;
- (c) The placement of children aged 11 to 14 in “special educational institutions” as a form of punishment provided for in the commentary to the Criminal Code and the vague legal provisions for the issuance of such decisions;
- (d) The placement of children from 3 to 18 in centres for temporary isolation, adaptation and rehabilitation for juveniles (CITARJ), without legal grounds or procedure;
- (e) The still large number of children sentenced to placement in corrective and other institutions and insufficient education and guidance provided in these institutions, and the lack of social and psychological recovery measures;
- (f) The existence of subordinate norms and departmental regulations and instructions that allow the restriction of freedom of children without fully complying with the provisions of the criminal, criminal-procedural and criminal-executive legislation.

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

- (a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), inter alia, by providing full support to the pilot projects aiming at such full implementation;**
- (b) Use detention, including pre-trial detention, only as a measures of last resort, for as short a time as possible;**
- (c) In light of article 39, take appropriate measures to promote the rehabilitation and social reintegration of children involved in the juvenile justice system, including adequate education and certification to facilitate their reintegration;**
- (d) Ensure that existing norms and regulations allowing the restriction of freedom of children conform to the laws of Kazakhstan and international standards;**

(e) CITARJ should be transformed into centres for assistance and placement of lost, abandoned and homeless children, but only as a temporary measure and for the shortest time possible;

(f) Seek assistance from, among others, OHCHR and UNICEF through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Criminal Code

649. The Committee is concerned at the general lack of comprehensive information on the Criminal Code and the Criminal Procedure Code. The Committee notes, inter alia, that disorderly conduct has been defined as a serious crime constituting a danger to society, leading to the criminalization of behavioural problems.

650. The Committee recommends that the State party review its classification of serious crimes in order to reduce criminal law prosecution of 14 to 16-year-old children and abolish provisions that criminalize the behavioural problems of children (so-called status offences).

Economic exploitation

651. The Committee welcomes the new Labour Act which entered into force in 2000 and contains specific guarantees and provides for measures to protect children, and the recent ratification of ILO Convention No. 182. The Committee further notes the State party's awareness of young people participating in unregulated employment situations, particularly in the private sector, agriculture and at home, but is concerned at the lack of effective measures to reduce and eliminate child labour.

652. The Committee recommends that the State party:

(a) Undertake a national survey on the causes and extent of child labour with a view to adopting and implementing a national plan of action to prevent and combat child labour;

(b) Continue and strengthen its efforts to protect all children from economic exploitation, in particular from the worst forms of child labour, by implementing urgently ILO Convention No. 182.

Sexual exploitation and trafficking

653. The Committee is concerned at:

(a) The growing involvement of children in the sex industry and the apparent indifference of society towards the issue of child prostitution, including reports of parents themselves reportedly forcing their children to earn money through prostitution;

(b) The lack of specialized centres to accommodate and provide qualified services, including psychotherapeutic and rehabilitation and reintegration programmes, for child victims of sexual violence.

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

(a) **Develop and implement a comprehensive programme to combat trafficking, child prostitution and other forms of sexual exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children and the recommendations of CEDAW in this respect (A/56/38, para. 97);**

(b) **Adopt measures to reduce the vulnerability of children to traffickers and establish crisis centres and telephone hotlines to give assistance and run rehabilitation and social reintegration programmes for child victims of trafficking and/or sexual exploitation;**

(c) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and put in place mechanisms to coordinate and monitor its implementation;**

(d) **Conduct further research relating to the occurrence of child trafficking and consider seeking technical cooperation from UNICEF in this respect.**

Street children

655. The Committee is extremely concerned at:

(a) The increasing number of street children and the inappropriate policies and programmes implemented by the juvenile affairs services to address this situation;

(b) The inappropriateness of the preventive measures and the keeping of a special database on information on these children being considered as social assistance with a view to preventing abandonment and criminality;

(c) The vulnerability of street children to, inter alia, sexual abuse, violence, including from the police, exploitation, exclusion from education, substance abuse, STDs, HIV/AIDS and malnutrition.

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

(a) **Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**

(b) **Ensure that street children are provided with services which promote their physical and psychological recovery and social reintegration;**

(c) **Undertake a study to assess the scope and causes of the phenomenon and consider establishing a comprehensive strategy, with their participation, to address the high and increasing number of street children, with the aim of preventing and reducing this phenomenon in the best interests of these children;**

(d) **Consider addressing the situation of street children within the system of youth social welfare services rather than juvenile affairs services.**

8. Dissemination of documents

657. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that 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 at all levels of administration of the State party and among the general public, including concerned NGOs.**

9. Next report

658. **The Committee 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 parties' 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 a consolidated second and third periodic report by 10 September 2006, date on which the third periodic 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.**

III. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

659. **During the pre-sessional working group and the session itself, the Committee held various meetings with United Nations bodies and specialized agencies, as well as other competent bodies, in the framework of its ongoing dialogue and interaction with these bodies in the light of article 45 of the Convention.**

660. On 5 February 2003, the Committee met with members from different countries of the International Save the Children Alliance to discuss how their national affiliates can cooperate with the Committee in its task of reviewing the situation of child rights in States parties.

661. On 15 and 16 May 2003, OHCHR organized a two-day informal induction meeting to give the 10 newly elected members a chance to familiarize themselves with the working methods and procedures of the Committee. Other members of the Committee also participated in the meeting.

662. The Special Rapporteur on adequate housing, Mr. Miloon Kothari, met with members of the Committee on 2 June 2003. The Special Rapporteur explained that he was in the process of preparing his report for the sixtieth session of the Commission on Human Rights, a report that will exclusively focus on the rights of children to adequate housing, as enshrined in the Convention on the Rights of the Child and other international instruments.

663. On 6 June 2003, the Committee met with representatives of the NGO Group for the Convention on the Rights of the Child and UNICEF (Geneva). They discussed with Committee members their working methods and cooperation with regard to its pre-sessional working group.

IV. WORKING METHODS

664. At its 863rd meeting, held on 19 May 2003, the Committee decided to amend its provisional rules of procedures (CRC/C/4). The Committee agreed to replace the word “ten” by the word “eighteen” in the Rules, in light of the entry into force of the amendment to article 43, paragraph 3, of the Convention increasing the membership of the Committee from 10 to 18 members (resolution 50/155) (see also paragraphs 4 and 10 above).

V. GENERAL COMMENTS

665. At its 864th meeting, held on 19 May 2003, the Committee discussed its future general comment on “Adolescent health and development in the context of the Convention on the Rights of the Child” and its future general comment on “General measures of implementation”. At its 887th meeting, held on 5 June 2003, the Committee adopted its general comment No. 4 entitled: “Adolescent health and development in the context of the Convention on the Rights of the Child”.

VI. DRAFT PROVISIONAL AGENDA FOR THE THIRTY-FOURTH SESSION

666. The following is the draft provisional agenda for the thirty-fourth session of the Committee:

1. Adoption of the agenda.
2. Organizational matters.

3. Submission of reports by States parties.
4. Consideration of reports of States parties.
5. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.
6. Methods of work of the Committee.
7. General comments.
8. Day of general discussion
9. Future meetings.
10. Other matters.

VII. ADOPTION OF THE REPORT

667. At its 889th meeting, held on 6 June 2003, the Committee considered the draft report on its thirty-third session. The report was adopted unanimously by the Committee.

Annex

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

<u>Name of member</u>	<u>Country of nationality</u>
Mr. Ibrahim Abdul Aziz AL-SHEDDI*	Saudi Arabia
Ms. Ghalia Mohd Bin Hamad AL-THANI*	Qatar
Ms. Joyce ALUOCH*	Kenya
Ms. Saisuree CHUTIKUL*	Thailand
Mr. Luigi CITARELLA*	Italy
Mr. Jacob Egbert DOEK**	Netherlands
Mr. Kamel FILALI**	Algeria
Ms. Moushira KHATTAB**	Egypt
Mr. Hatem KOTRANE**	Tunisia
Mr. Lothar Friedrich KRAPPMANN**	Germany
Ms. Yanghee LEE*	Republic of Korea
Mr. Norberto LIWSKI**	Argentina
Ms. Rosa Maria ORTIZ**	Paraguay
Ms. Awa N'Deye OUEDRAOGO**	Burkina Faso
Ms. Marilia SARDENBERG*	Brazil
Ms. Lucy SMITH*	Norway
Ms. Marjorie TAYLOR**	Jamaica
Ms. Nevena VUCKOVIC-SAHOVIC*	Serbia and Montenegro

* Term expires on 28 February 2005.

** Term expires on 28 February 2007.