



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/137
11 May 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Thirty-fifth session
12-30 January 2004

REPORT ON THE THIRTY-FIFTH SESSION

(Geneva, 12-30 January 2004)

CONTENTS

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. ORGANIZATIONAL AND OTHER MATTERS	1 - 14	4
A. States parties to the Convention	1 - 3	4
B. Opening and duration of the session	4	4
C. Membership and attendance	5 - 8	4
D. Agenda	9	5
E. Pre-sessional working group	10 - 12	6
F. Organization of work	13	6
G. Future regular meetings	14	6
II. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION	15 - 660	6
A. Submission of reports	15 - 20	6
B. Consideration of reports: Indonesia	21 - 115	8
Concluding observations: Guyana	116 - 177	9
Concluding observations: Armenia	178 - 251	36
Concluding observations: Germany	252 - 315	51
Concluding observations: Kingdom of The Netherlands (Netherlands and Aruba)	316 - 378	63
Concluding observations: India	379 - 463	75
Concluding observations: Papua New Guinea	464 - 531	94
Concluding observations: Slovenia	532 - 602	104
Concluding observations: Japan	603 - 660	116
III. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES	661 - 664	128
IV. WORKING METHODS	665	129
V. GENERAL COMMENTS	666	129

CONTENTS (continued)

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
VI. FUTURE DAY OF GENERAL DISCUSSION	667	129
VII. INFORMAL CONSULTATION WITH STATES PARTIES	668	129
VIII. BIENNIAL REPORT TO THE GENERAL ASSEMBLY	669	129
IX. DRAFT PROVISIONAL AGENDA FOR THE THIRTY-SIXTH SESSION	670	130
X. ADOPTION OF THE REPORT	671	130

Annexes

I. Membership of the Committee on the Rights of the Child	131
II. Day of general discussion: Implementing child rights in early childhood	132

I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 30 January 2004, the closing date of the thirty-fifth 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 68 States parties and signed by 115 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 69 States parties and signed by 108 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.

B. Opening and duration of the session

4. The Committee on the Rights of the Child held its thirty-fifth session at the United Nations Office at Geneva from 12-30 January 2004. The Committee held 28 meetings (919th-946th). An account of the Committee's deliberations at its thirty-fifth session is contained in the relevant summary records (CRC/C/SR.919; 920-929; 932-936; 938-939; 942-943 and 946).

C. Membership and attendance

5. All the members of the Committee attended the thirty-fifth 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. Mr. Ibrahim Al-Sheddi (absent from 12 to 14 January 2004), Mrs. Moushira Khattab (absent from 12 to 14 January and on 26 January 2004), Mrs. Awa N'Deye Ouedraogo (absent from 12 to 16 January 2004) and Ms. Marilia Sardenberg (absent between 12 and 14 January 2004) were not able to attend the session in its entirety. Ms. Marjorie Taylor was not able to attend the thirty-fifth session.

6. 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).

7. 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).
8. 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. Agenda

9. Also at the 919th meeting, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/134):
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. Biennial report to the General Assembly.
 7. Methods of work of the Committee.
 8. General comments.
 9. Future meetings.
 10. Other matters.

E. Pre-sessional working group

10. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 6 to 10 October 2003. All the members except Mrs. Joyce Aluoch, Mr. Luigi Citarella and Ms. Marjorie Taylor 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.

11. 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.

12. 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 two countries (Guyana and Papua New Guinea) and the second periodic reports of seven countries (Armenia, Germany, India, Indonesia, Japan, Slovenia, and the Netherlands, including Aruba). 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 28 November 2003.

F. Organization of work

13. The Committee considered the organization of its work at its 919th meeting, held on 12 January 2004. The Committee had before it the draft programme of work for the thirty-fifth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirty-fourth session (CRC/C/133).

G. Future regular meetings

14. The Committee noted that its thirty-sixth session would take place from 17 May to 4 June 2004 and that the pre-sessional working group for the thirty-seventh session would meet from 7 to 11 June 2004.

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

A. Submission of reports

15. 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/135);
- (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).

16. 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-fourth session (see CRC/C/133, para. 16), the Secretary-General had received the initial report of Bahamas (CRC/C/8/Add.50), Equatorial Guinea (CRC/C/11/Add.26), Brazil (CRC/C/3/Add.65) and Albania (CRC/C/11/Add.27), the second periodic reports of China, including Hong Kong and Macao (CRC/C/83/Add.9, Add.10 and Add.11), Trinidad and Tobago (CRC/C/83/Add.12), Uganda (CRC/C/65/Add.33), Saudi Arabia (CRC/C/136/Add.1), and Algeria (CRC/C/93/Add.7), and the third periodic reports of Costa Rica (CRC/C/125/Add.4), Russian Federation (CRC/C/125/Add.5), Denmark (CRC/C/129/Add.3), Australia (CRC/C/129/Add.4) and Finland (CRC/C/129/Add.5).

17. As at 30 January 2004, the Committee had received 180 initial, 79 second periodic and 10 third periodic reports. A total of 206 reports (168 initial and 38 second periodic) have been considered by the Committee.

18. At its thirty-fifth session, the Committee examined initial and second periodic reports submitted by nine States parties under article 44 of the Convention. It devoted 18 of its 28 meetings to the consideration of reports (see CRC/C/SR.920-929; 932-935, 936-937, 942-943 and 946). The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirty-fifth session: Guyana (CRC/C/8/Add.47), Papua New Guinea (CRC/C/28/Add.20), Germany (CRC/C/83/Add.7), Slovenia (CRC/C/70/Add.19), Japan (CRC/C/104/Add.2), India (CRC/C/93/Add.5), Indonesia (CRC/C/65/Add.23), Armenia (CRC/C/93/Add.6), and the Netherlands, including Aruba (CRC/C/117/Add.1 and CRC/C/117/Add.2).

19. 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.

20. 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: Indonesia

21. The Committee considered the second periodic report of Indonesia (CRC/C/65/Add.23), submitted on 5 February 2002, at its 920th and 921st meetings (see CRC/C/SR.920 and 921), held on 13 January 2004, and adopted, at the 946th meeting, held on 30 January 2004 (CRC/C/SR.946), the following concluding observations.

A. Introduction

22. The Committee welcomes the submission of the State party's second periodic report, although submitted late, as well as the detailed supplementary report. The Committee particularly appreciates the fact that most paragraphs on the various clusters of rights contain observations on the progress made, the difficulties the State party is facing and the priorities for the next five years. It further notes with appreciation the large and 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

23. The Committee welcomes the participatory process through which the report was drafted. In particular, it welcomes the involvement of the non-governmental organizations (NGOs) and of the universities and the publication of the final draft.

24. The Committee welcomes the ratification of a number of human rights instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1998), the International Convention on the Elimination of All Forms of Racial Discrimination (1999), the International Labour Organization Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) in 1999 and 2000, respectively, as well as the revision of the Constitution in 2002 and the adoption of a number of Acts relating to the protection of human rights.

25. The Committee is encouraged by the translation and relatively wide publication and distribution of the Convention on the Rights of the Child.

26. The Committee is greatly encouraged by the ongoing democratization process and the inclusion of human rights issues, including the human rights of children, in laws and policies.

27. The Committee welcomes the adoption of laws and the establishment of various mechanisms aimed at protecting and promoting the rights of children such as:

(a) The inclusion in the Constitution in 2002 of a Bill of Rights which includes children's rights;

(b) Law No. 23 of 2002 on Child Protection;

(c) Law No. 20 of 2003 on the National Education System;

- (d) The National Programme of Action for Children;
- (e) The Child Protection Agency in 1998;
- (f) The Indonesian Commission for Child Protection (Komisi Perlindungan Anak Indonesia);
- (g) Law No. 3 of 1997 concerning the Juvenile Court.

C. Factors and difficulties impeding the implementation of the Convention

28. The Committee acknowledges the challenges faced by the State party, such as internal armed conflicts, terrorism, and the particular nature of the geographical configuration of the State party, which is comprised of over 17,000 islands.

D. Main areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

29. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.25) it made upon consideration of the State party's initial report (CRC/C/3/Add.10) have been insufficiently addressed, especially those regarding the reform of the national legislation relating to child labour (para. 17), the need for monitoring the implementation of children's rights (para. 19), the comprehensive reform of the juvenile justice system (para. 20), the allocation of sufficient resources to children (para. 21), the urgent measures needed to combat all forms of discrimination against children (para. 22) and the measures needed to prevent violence against children, including disappearances and arbitrary detention (para. 24).

30. The Committee urges the State party to make every effort to address those recommendations contained in its 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

31. The Committee welcomes the information that Law No. 23 of 2002 on Child Protection renders the reservations made by the State party with regard to articles 1, 14, 16, 17, 21, 22 and 29 of the Convention unnecessary and that all reservations will therefore be withdrawn shortly.

32. The Committee, in line with its previous recommendations (CRC/C/15/Add.25), and in light of the 1993 Vienna Declaration and Programme of Action, recommends that the State party make the withdrawal of all reservations a matter of priority and that it take the necessary procedural measures to that effect.

Legislation

33. The Committee welcomes the important legislative reform undertaken which will provide for the foundations of a State based on democracy and human rights, in particular child rights. The Committee also shares the concern expressed by the State party that the ratification of the Convention is not backed by an Act of Parliament.

34. **The Committee encourages the State party to consider the possibility of supporting the ratification of the Convention by an Act of Parliament.**

35. **The Committee also encourages the State party to consider ratifying other human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Rome Statute of the International Criminal Court, and to do so with the support of an Act of Parliament.**

Decentralization

36. While welcoming the decentralization process undertaken by the State party, the Committee is concerned that it could have a negative impact on the protection of human rights and child rights.

37. **The Committee recommends that the State party work to ensure that the provincial laws and practices are in conformity with the Convention.**

Coordination and National Plan of Action

38. The Committee welcomes the drafting of a National Plan of Action for Children which takes into account the outcome document of the General Assembly special session on children, "A World Fit for Children", and notes that the Ministry for Women Empowerment was given the responsibility for coordinating the implementation of the Convention and the National Plan of Action for Children.

39. **The Committee recommends that:**

(a) **The National Plan of Action for Children cover all areas and provisions of the Convention and that its provisions be incorporated into programmes at the provincial and district levels;**

(b) **The Ministry for Women Empowerment coordinate with mechanisms at the provincial and district levels;**

(c) **The coordinating body involve other stakeholders, such as NGOs.**

Independent monitoring

40. The Committee welcomes the establishment of the Indonesian Commission for Child Protection (Komisi Perlindungan Anak Indonesia) and of the National Commission on the Elimination of the Worst Forms of Child Labour. The Committee is nonetheless concerned that

the insufficient guarantees of independence and impartiality of the National Commission on Human Rights (Komnas HAM), which hinder it from carrying out its mandate fully, might also impair the work of the National Commission for Child Protection.

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

(a) Ensure coordination between the National Commission on Human Rights, the National Commission for Child Protection and the National Commission on the Elimination of the Worst Forms of Child Labour;

(b) Ensure that the National Commission for Child Protection and the National Commission on the Elimination of the Worst Forms of Child Labour are accessible to children, in particular by giving them power to conduct investigations and to receive and address complaints by children, in particular children affected by conflict;

(c) Ensure that the National Commission for Child Protection and the National Commission on the Elimination of the Worst Forms of Child Labour are provided with sufficient resources;

(d) Take immediate measures to strengthen the independence, objectivity, effectiveness and public accountability of the National Commission on Human Rights (Komnas HAM), the National Commission for Child Protection and the National Commission on the Elimination of the Worst Forms of Child Labour, and ensure that their reports to the Attorney-General are published in a timely fashion.

Data collection

42. The Committee welcomes the various data provided in the supplementary report, inter alia on day care, education, neglected children, street children and disabled children. However, the Committee remains concerned at the lack of an adequate data-collection mechanism within the State party to permit the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention.

43. The Committee recommends that the State party:

(a) Continue to upgrade its system of data collection to cover all areas of the Convention;

(b) 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;

(c) Widely circulate these statistics and information;

(d) Continue its collaboration with, among others, UNICEF in this respect.

Dissemination of the Convention

44. The Committee notes with appreciation the efforts undertaken 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. For instance, the Committee welcomes the theme of National Children's Day of 23 July 2003. The Committee is, however, of the opinion that these measures need to be further strengthened and implemented in an ongoing, comprehensive and systematic basis.

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

(a) Strengthen its measures regarding the dissemination of and the training on the Convention of all relevant professionals and implement them in an ongoing and systematic manner;

(b) Take specific measures to make the Convention available to and known by all children, especially those belonging to ethnic minorities.

2. Definition of the child

46. The Committee is concerned that:

(a) Despite the Committee's previous recommendation, the legal age of marriage of females (16) and males (19) is still discriminatory;

(b) A very large proportion of children, especially girls, are married by the age of 15, and that they are thereby legally considered to be adults, meaning that the Convention no longer applies to them.

47. **The Committee recommends that the State party review the age limits affecting children set by different legislation in order to ensure that they conform to the principles and provisions of the Convention. The Committee also specifically recommends that the State party:**

(a) Ensure that no discrimination based on sex remains, and that the age of marriage for girls is the same age as that for boys;

(b) Take all other necessary measures to prevent early marriage;

(c) Undertake awareness-raising campaigns on the harm and danger resulting from early marriage.

3. General principles

48. The Committee welcomes the reference in article 2 of Law No. 23 of 2002 on Child Protection to the basic principles of the Convention. However, the Committee remains concerned that the general principles of non-discrimination (art. 2), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in all areas of

the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at the federal, provincial and local levels and in conflict-affected areas.

49. **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 those principles 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

50. The Committee notes with concern that societal discrimination persists against girls and against other vulnerable groups of children, in particular children living in poverty, children born out of wedlock, children displaced by conflict and minority children.

51. **The Committee urges the State party to conduct an in-depth review of all its legislation with a view to fully guaranteeing the application of the principle of non-discrimination in domestic laws and 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.**

52. **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 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interest of the child

53. The Committee is concerned that in actions concerning children, the general principle of the best interest of the child as contained in article 3 of the Convention is not 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).

54. **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 implemented in all parts of the territory.**

Respect for the views of the child

55. The Committee is concerned that children, contrary to article 12 of the Convention, are rarely heard in the family, schools and communities, even on matters concerning them.

56. **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 level 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 and right to nationality

57. The Committee welcomes the provisions contained in Law No. 23 of 2002 on Child Protection, stipulating that a birth certificate shall be issued by the Government, free of charge. However, it remains concerned by the low rate of birth registration and by the fact that few concrete measures have been taken to increase it.

58. While noting that the Human Rights Act of 1999 guarantees the right of the child to a nationality, the Committee is concerned that, in some instances:

- (a) Children born out of wedlock may be denied the right to know their father;
- (b) Children with a foreign father may be denied Indonesian citizenship.

59. **The Committee recommends that the State party amend all national and local laws relating to birth registration and that it implement a comprehensive strategy to achieve 100 per cent birth registration by 2015, including by cooperating with UNICEF and other international agencies.**

60. **The Committee recommends that the State party reform its citizenship laws, including Law No. 62 of 1958 on Nationality, in order to ensure the transmission of citizenship through both the maternal and paternal lines.**

Violence against children

61. The Committee is concerned at the high number of child victims of violence, abuse and neglect, including sexual abuse, in schools, in public places, in detention centres and in the family.

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

- (a) **Expand current efforts to address the problem of child abuse and neglect, including sexual abuse, and ensure that there is a national system for receiving, monitoring and investigating complaints and for prosecuting cases when necessary, 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, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care and that institutionalization is used only as a last resort and for the shortest time possible;

(c) Ensure that perpetrators of violence against children are duly prosecuted.

Corporal punishment

63. The Committee is deeply concerned that corporal punishment in the family and in schools is widespread, culturally accepted and still lawful.

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

(a) Amend its current legislation to prohibit corporal punishment everywhere, including in the family, schools and childcare settings;

(b) 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.

5. Family environment and alternative care

Parental responsibilities

65. The Committee is concerned that according to Islamic law applicable to Muslims in Indonesia, in divorce proceedings decisions relating to custody of children are based on the age of the children rather than on their best interests. The Committee is similarly concerned that children cannot legally have a father unless their biological parents are legally married.

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

(a) Review its legislation relating to custody of the child with a view to ensuring that all decisions are based on the principle of the best interest of the child, in line with articles 3 and 12 of the Convention;

(b) Take all necessary measures to facilitate the establishment of the parentage of the child and to guarantee, as far as possible, his/her right to know both biological parents, and to be raised by them.

Family reunification

67. The Committee welcomes the expressed commitment by and increasing cooperation of the State party in the facilitation of durable solutions for East Timorese children separated from their families. However, the Committee remains concerned at the rather limited repatriation which has taken place since 1999 of these children.

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

(a) Strengthen measures to ensure the quick and safe repatriation of all separated children to Timor-Leste;

(b) Continue its collaboration in this regard with UNHCR.

Children deprived of their family environment

69. The Committee expresses its concern at the high 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.

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

(a) Undertake a comprehensive 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.

Adoption

71. The Committee is concerned that the current adoption legislation discriminates between groups of different ethnic origins, does not provide sufficient safeguards against abusive practices, including trafficking of children, and does not take sufficiently into account the principle of the best interest of the child.

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

(a) Amend the current legislation on adoption so as to ensure that it conforms to articles 2 and 3 of the Convention;

(b) Take the necessary measures to monitor and supervise effectively the system of adoption of children in accordance with the principle of the best interest of the child;

(c) Accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

6. Basic health and welfare

Children with disabilities

73. While acknowledging the development of special services and rehabilitation centres for children with disabilities, the Committee is concerned that only very few children with disabilities have access to these services.

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

(a) Ensure that adequately disaggregated and comprehensive data are collected and used 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); and

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

Health and welfare

75. While acknowledging the improvements in budget allocations to the health-care sector, the Committee remains concerned at the high maternal mortality rate, incidence of child malnutrition, proportion of children born with low birth weight and prevalence of infectious and, mosquito-borne diseases, including malaria, the low immunization rate and the lack of access to safe drinking water and sanitation, particularly in conflict-affected areas.

76. The Committee is further concerned that the fragmentation of policies on health issues and care impedes the coordination and implementation of comprehensive approaches to child and adolescent health.

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

(a) Ensure universal access to primary health care, especially maternal and child health-care services and facilities, including in rural and conflict-affected areas;

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

(c) Strengthen existing efforts to prevent malnutrition, malaria and other mosquito-borne diseases, to immunize as many children and mothers as possible, to make condoms and other contraceptives available throughout the country and to promote breastfeeding, and extend these programmes to all conflict-affected areas;

(d) Ensure that a life-course approach is taken with respect to child and adolescent health and development through the development of holistic and comprehensive health policies for children and adolescents;

(e) Seek cooperation in this matter from, among others, WHO.

Adolescent health

78. The Committee notes the establishment in 1999 of the Commission on Reproductive Health, to deal, inter alia, with the problems of adolescent health, HIV/AIDS prevention and family planning. The Committee is nevertheless concerned that these issues remain a problem for adolescents and that no organized system of reproductive health counselling and services, nor education on HIV/AIDS and sexually transmitted infections (STIs) for youth exists. The Committee is further concerned at the high number of tobacco smokers among adolescents.

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

(a) Develop comprehensive policies and plans on adolescent health, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development;

(b) Strengthen the implementation of the recommendations of the Commission on Reproductive Health;

(c) Promote collaboration between State agencies and NGOs in order to establish a system of formal and informal education on HIV/AIDS and STIs and on sex education;

(d) Take into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the updated International Guidelines on HIV/AIDS and Human Rights in order to promote and protect the rights of children infected with and affected by HIV/AIDS;

(e) Ensure access to reproductive health counselling and information and services for all adolescents;

(f) Provide adolescents with accurate and objective information on the harmful consequences of tobacco use and protect them from hurtful misinformation by imposing comprehensive restrictions on tobacco advertising.

7. Education, leisure and cultural activities

80. The Committee welcomes the inclusion in the Constitution of the right to education as well as a minimum budget allocation for education. It is further encouraged by education reforms initiated by the State party in 1994, which raised the number of years of elementary education from six to nine and which tries to raise teaching standards. The Committee further welcomes the awarding of scholarships to children from poor families.

81. However, the Committee is very concerned:

(a) That education is not free, even at primary level, and that higher education is not affordable for many families;

(b) At the high dropout and repeat rates;

(c) That married children and pregnant teenagers do not generally continue their education;

(d) At the high teacher-pupil ratio and the low level of ability of teachers;

(e) At the high incidence of violence against children in the schools, including bullying and fighting among students, and that no specific law exists to regulate school discipline and protect children against violence and abuse in the school.

82. The Committee notes with appreciation the efforts by the State party to monitor the quality of education in madrasas and boarding schools. However, it is concerned about the narrow education provided in these schools and about the lack of supervision of their curricula.

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

(a) **Strengthen measures to achieve universal and free primary education;**

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

(c) **Implement additional measures to provide access to early childhood education for every child;**

(d) **Adopt effective measures to decrease the dropout, repeat and illiteracy rates;**

(e) **Provide education opportunities for married children and pregnant teenagers;**

(f) **Pursue its efforts to ensure that teachers are adequately trained;**

(g) **Take appropriate measures to introduce human rights, including children's rights, into the school curricula;**

(h) **Take measures to reduce violence in the schools;**

(i) **Continue its cooperation with UNESCO, UNICEF, the Asian Development Bank and the civil society to improve the education sector.**

84. **The Committee recommends that the State party continue and strengthen its efforts to streamline the education given in madrasas and boarding schools in order to ensure that they are more compatible with regular public education and establish a stronger monitoring system for ensuring quality education.**

8. Special protection measures

Refugee children

85. The Committee is very concerned at the situation of refugee and internally displaced children living in refugee camps.

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

(a) Take immediate steps to ensure that all displaced and refugee children and their families have access to basic health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(b) Strengthen the measures taken to ensure quick and safe repatriation of all Timorese children separated from their families to Timor-Leste;

(c) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(d) Continue its collaboration with, among others, UNHCR.

Children affected by armed conflict, including child soldiers

87. The Committee is alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon, as well as those which resulted from the conflict in East Timor in 1999. The Committee is further concerned that children affected by armed conflict remain a particularly vulnerable group and that the perpetrators of violations of their human rights, especially during conflicts, are rarely prosecuted.

88. The Committee is concerned that martial law in Aceh might have a negative impact on the protection and implementation of the rights of children.

89. The Committee is deeply concerned at the report of the use of child soldiers, notably in Aceh and Maluku, as well as in East Timor up to 1999.

90. The Committee is further gravely concerned at the very large number of children displaced as a consequence of armed conflict.

91. **The Committee urges the State party:**

(a) To take measures to prevent and end the violence affecting children's lives and rights, especially in areas such as Aceh, Maluku and West Papua;

- (b) To ensure that the application of martial law in Aceh under no circumstances contradicts the rights guaranteed in the Convention on the Rights of the Child;**
- (c) To take immediate measures to facilitate access to children and their families by national and international aid and humanitarian agencies, particularly in Aceh;**
- (d) To prevent the use of children in armed conflict by regular army, paramilitary and rebel groups;**
- (e) To abide faithfully by the principles of human rights law and international humanitarian law and the conventions to which Indonesia is party;**
- (f) To ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers or children as sexual slaves, or violating any rights of the children, will be prosecuted, including those who committed abuses in East Timor in 1999.**

92. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict. In particular, the Committee recommends that the State party:

- (a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees and smuggled children, which also ensures their privacy;**
- (b) 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;**
- (c) Criminalize the recruitment and use of children for military purposes by any armed force or armed group;**
- (d) Provide alternatives to military recruitment, including by increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.**

Drug abuse

93. The Committee is concerned at the large number of children who use drugs or narcotics and that those children are treated as criminals rather than victims.

94. The Committee recommends that the State party:

- (a) Provide children with accurate and objective information about the harmful consequences of substance abuse;**

- (b) Ensure that children using drugs and narcotics are treated as victims and not as criminals;**
- (c) Develop recovery and reintegration services for child victims of substance abuse;**
- (d) Seek cooperation with and assistance from WHO and UNICEF.**

Juvenile justice

95. The Committee welcomes the adoption of Law No. 3 of 1997 on Juvenile Justice.

96. The Committee is very concerned at the very large number of children sentenced to jail even for petty crimes and despite article 66, paragraph 4, of Law No. 39 of 1999 on Human Rights, and that these children are often detained with adults and are detained in poor conditions, even when in detention centres for children.

97. The Committee reiterates its serious concern that the minimum age of criminal responsibility, set at eight years, is too low.

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

- (a) Raise the minimum age of criminal responsibility to an internationally acceptable level;**
- (b) Ensure that detained children are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;**
- (c) In cases where deprivation of liberty is unavoidable, improve procedures of arrest and conditions of detention and establish special units within the police for the handling of cases of children in conflict with the law;**
- (d) Ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) 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.**

Street children

99. The Committee welcomes the introduction of the Social Safety Net Programme for Street Children and of the Free Street Children Programme of Bandung Raya. It is nonetheless concerned at the high number of children living on the streets and at the violence to which they are subject, especially during sweep operations.

100. **The Committee recommends that the State party take all necessary measures:**

- (a) To end the violence, arbitrary arrest and detention carried out by the State apparatus against street children;**
- (b) To bring to justice those responsible for such violence;**
- (c) To facilitate the social reintegration of street children, notably by ensuring that street children, especially those who are runaways, can obtain an official identity card.**

Sexual exploitation

101. The Committee welcomes the launching of the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children in 2002. However, the Committee is concerned that existing legislation does not provide effective protection (e.g. the age limit for sexual consent of 12 years is too low) and that child victims of sexual exploitation often do not receive adequate protection and/or recovery assistance. The Committee is also concerned about the lack of information about how the National Plan of Action will be carried out at the provincial and district levels.

102. The Committee wishes to reiterate its opinion that child victims of sexual abuse and exploitation can never be held responsible or guilty of such acts.

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

- (a) Develop and implement legislation that adequately protects child victims of sexual exploitation, including trafficking, pornography and prostitution, that includes a significant increase in the minimum age of sexual consent;**
- (b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints and prosecute perpetrators 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 provided with adequate alternative solutions and are institutionalized only as a last resort;**
- (d) Ensure that the National Plan of Action for the Elimination of Commercial Sexual Exploitation of Children is allocated appropriate resources for its implementation and is effectively carried out at the provincial and district levels.**

Economic exploitation

104. The Committee welcomes the establishment of the National Plan of Action on the Elimination of the Worst Forms of Child Labour as well as the State party's ratification of ILO Conventions No. 138 and No. 182 in 1999 and 2000, respectively. Nevertheless, it remains

concerned at the high number of children, many of them under 15, still working in the informal sector, on fishing platforms, in factories, as domestic servants, on plantations, in the shoe, food and toy industries, in the mining and quarrying sector, and on the streets.

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

(a) Ensure that the National Commission on the Elimination of the Worst Forms of Child Labour reach and protect children employed in the informal sector, in particular domestic workers, prostituted children and children engaged in other types of exploitative labour;

(b) Ensure that the National Plan of Action against the Elimination of the Worst Forms of Child Labour is allocated sufficient resources and that its implementation is appropriately monitored.

106. **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.**

Sale, trafficking and abduction

107. The Committee welcomes the endorsement by the State party of relevant international and regional agreements such as the Regional Commitment and Action Plan of the East Asia and Pacific Region against Commercial Sexual Exploitation of Children of 2001 and the Yokohama Global Commitment of 2001. The Committee further welcomes the launching of the National Plans of Action for the Elimination of Commercial Sexual Exploitation of Children and on the Elimination of Trafficking in Women and Children in 2002.

108. The Committee is nonetheless concerned at the lack of awareness in the State party on this phenomenon, at the insufficient legal protection for victims of trafficking, and that few measures have been taken to prevent and protect children from sale, trafficking and abduction.

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

(a) Upgrade its system of data collection to cover all forms of sale, trafficking and abduction of children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;

(b) Establish an appropriate definition of trafficking, increase legal protection for child victims, take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children;

(c) **Seek to establish bilateral and multilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children, and facilitate their protection and safe return to their families;**

(d) **Seek cooperation with and assistance from, inter alia, UNICEF and IOM.**

Children belonging to a minority or an ethnic group

110. The Committee welcomes the adoption of the Human Rights Act of 1999, which recognizes the right to freedom of religion and worship of everyone. However, the Committee is still concerned that the rights of children belonging to a minority or ethnic group are not recognized by the Act and that these children also do not have adequate access to education, health and social services.

111. **The Committee recommends the further implementation of the Community Social Welfare Programme and the further development of such programmes with special reference to children belonging to ethnic groups.**

9. Optional Protocols to the Convention

112. The Committee notes that the State party has signed, but not ratified, the Optional Protocols to the Convention.

113. **The Committee recommends that the State party ratify as soon as possible 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.**

10. Dissemination of documents

114. **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 non-governmental organizations.**

11. Next report

115. **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. It is the right of children that the United Nations committee in charge of regularly examining the progress made in the implementation of their rights should have the opportunity to do so. In this regard, regular and timely reporting by States parties is crucial. In order to help the State party return to full compliance with its reporting obligation under the Convention, the Committee invites it, by way of exception, to submit its next report on 4 October 2007, which is before the due date**

established under the Convention for the fourth periodic report. That report would combine the third and fourth periodic reports. The consolidated 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: Guyana

116. The Committee considered the initial report of Guyana (CRC/C/8/Add.47), submitted on 29 July 2002, at its 922nd and 923rd meetings (see CRC/C/SR.922 and 923), held on 14 January 2004, and adopted, at its 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

117. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/GUY/1), which gave a clearer understanding of the situation of children in the State party. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

118. The Committee welcomes the establishment of the Ministry for Amerindian Affairs led by a woman of Amerindian descent.

119. The Committee commends the State party for the constitutional reform and the passage of Bill No. 6 of 2001, which provides for the establishment of constitutional commissions, including the Commission on the Rights of the Child.

120. The Committee welcomes the State party's ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment in 1998 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001.

121. The Committee welcomes the increase of enrolment in early childhood and primary education. The Committee also appreciates the high quality of the Escuela Nueva model.

C. Factors and difficulties impeding the implementation of the Convention

122. The Committee notes that the increasing debt burden, widespread poverty, racial tension and political instability have impeded progress to the full realization of children's rights enshrined in the Convention. It also notes that a large number of children are living in areas too remote to reach.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

123. The Committee notes with appreciation the creation of the Committee on Family Maintenance and Related Matters in 1996 to examine the compatibility of domestic legislation with the Convention. It also notes that laws have been adopted by the State party to harmonize the existing legislation with the Convention. The Committee notes with appreciation the drafting of a Children's Bill, a Bill on the Status of Children, the Family Court Bill and the Education Bill. However, it remains concerned about the slow process of approval and enactment of these bills.

124. The Committee recommends that the State party urgently take all necessary measures to expedite the adoption of these bills by the Parliament before the end of 2004, ensuring that they are entirely in compliance with the provisions of the Convention and that sufficient human and financial resources are provided for their full and effective implementation.

Coordination and National Plans of Action

125. The Committee welcomes the information that a National Plan of Action for Children is being drafted for the period up to 2007 which will be based on the core document of the General Assembly special session on children entitled "A World Fit for Children". However, the Committee is concerned that the National Plan of Action may not cover all areas of the rights of the child and may lack clear provisions on monitoring and coordination of its implementation.

126. The Committee recommends that the State party ensure that the new National Plan of Action covers all areas of the rights of the child and that sufficient human and financial resources are provided for its effective implementation. The Committee also recommends that the State party identify an appropriate governmental body responsible for monitoring all activities regarding the implementation of the National Plan of Action with a strong mandate to carry out its coordinating role effectively.

Independent monitoring

127. 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.

128. In the view of the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child, the Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism in accordance 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). This institution should be provided with adequate human and financial resources,

easily accessible to children; 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

129. While noting the increased budget allocation in social services and infrastructure, the Committee is nevertheless concerned that budgetary allocations and international development assistance are insufficient to respond to national and local priorities for the protection and promotion of children's rights.

130. 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 ensure 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".

Data collection

131. The Committee is concerned at the lack of disaggregated and adequate data on persons under the age of 18 years in all areas covered by the Convention, including the most vulnerable groups, children living in poverty, children living in rural areas, children with disabilities, Amerindian children and street children.

132. The Committee recommends that the State party modernize and strengthen its system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. In this regard, it also recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF), the United Nations Population Fund and other appropriate regional mechanisms, including the Inter-American Children's Institute.

Dissemination of the Convention

133. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, seminars, workshops and annual celebrations. Nevertheless, it remains concerned that additional progress needs to be made by the State party with regard to raising awareness among children and adults in remote areas.

134. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in indigenous communities, health personnel, social workers and personnel in childcare institutions.

2. Definition of the child

135. The Committee is concerned at the low minimum age of sexual consent (13 years) and at the low minimum legal age of criminal responsibility (10 years).

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

- (a) **Raise the minimum age of sexual consent;**
- (b) **Raise the minimum age of criminal responsibility to an internationally acceptable level.**

3. General principles

Non-discrimination

137. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and vulnerable groups of children, including children living in poverty, Amerindian children and children with disabilities, and that the Constitution does not prohibit discrimination on the grounds of disability.

138. **The Committee recommends that the State party increase its efforts to adopt appropriate legislation, to ensure 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.**

139. **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 by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education).**

Best interests of the child

140. The Committee, noting the lack of information on the implementation of the principle of the best interests of the child in accordance with article 3, is particularly concerned that the draft Children's Bill does not contain a specific provision in this regard.

141. **The Committee recommends that the State party take action to explicitly include the principle of the best interests of the child in the draft Children's Bill and to take it into consideration in all policy-making processes and programmes relevant to children and the implementation of the Convention.**

Respect for the views of the child

142. The Committee takes note of the establishment of Children and Youth Parliaments. However, given the strong traditional views, the Committee remains concerned that children have limited opportunities freely to express their views in schools, courts or within the family.

143. **The Committee welcomes the information that the right of the child to express his or her views freely (article 12 of the Convention) will be included in the draft Children's Bill (art. 25) and recommends that the State party ensure that children's views are given due consideration in the family, schools, courts, and relevant administrative and other processes through, inter alia:**

(a) Expanding further the Child-friendly Classroom Programmes, the student councils and other forms of child participation;

(b) Training professionals working with and for children as well as the use of information campaigns.

4. Civil rights and freedoms

Birth registration

144. The Committee is concerned that, although parents are required by law to register the birth of their children, the number of children who are not registered at birth is significant, particularly in remote areas and among Amerindians.

145. **In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth.**

Corporal punishment

146. The Committee expresses its concern at the fact that corporal punishment is still widely practised in the family, in schools and in institutions, and that domestic legislation does not prohibit its use.

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

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

(b) Conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2);

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

5. Family environment and alternative care

Parental responsibilities

148. The Committee is concerned at the large number of female heads of households and the often limited degree to which fathers assume their parental responsibilities. The Committee is also concerned that a substantial number of parents emigrate to other countries, leaving children behind with relatives or in institutions.

149. **The Committee recommends that the State party undertake measures with a view to strengthening the capacities of families, nuclear and extended, to take care of their children and pay particular attention to strengthening the role of fathers. In this regard, the Committee recommends that the State party collaborate with NGOs.**

Alternative care

150. While welcoming the establishment of a Visiting Committee, the Committee notes with concern the lack of standards for minimum care in institutions and of systematic supervision and oversight, particularly in private institutions.

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

(a) Strengthen the role of the Visiting Committee, e.g. by assigning to it a standard-setting role, and provide it with sufficient human and financial resources;

(b) Provide institutions run by NGOs with adequate financial and other support and bring them under the inspection and standard-setting role of the Visiting Committee.

Child abuse and neglect

152. The Committee takes note of the study conducted and the project developed in collaboration with UNICEF addressing violence and children in Guyana. The Committee is deeply concerned about the generally violent environment where Guyanese children are living and the increased reporting of ill-treatment and abuse of children, including sexual abuse. The Committee is also deeply concerned that section 67 of the Criminal Law (Offences) Act (chapter 8:01) criminalizes a girl of 16 years or older for having sexual intercourse with a relative like a grandfather or brother and makes her liable to imprisonment for a period of seven years.

153. **The Committee recommends that the State party pay particular attention to child abuse and neglect in and outside the family by, inter alia:**

(a) Abolishing, as a matter of priority, the provision mentioned above (para. 37) by taking the necessary measures to prevent incest;

(b) Developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice;

(c) Ensuring that victims of violence have access to counselling and assistance with recovery and reintegration;

(d) Developing awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse.

6. Basic health and welfare

Children with disabilities

154. The Committee notes with appreciation the formulation of a National Policy on the Rights of People with Disabilities in 1997 and the establishment of its monitoring body, the Commission on Persons with Disabilities. However, the Committee remains concerned at the societal discrimination experienced by children with disabilities, the inaccessibility of buildings and transportation for them, the absence of an inclusive policy and the situation of children with disabilities in remote areas who are doubly disadvantaged.

155. 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 the children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party ensure that the National Policy on the Rights of People with Disabilities addresses children's rights, taking into account the provision for non-discrimination, accessibility to all services, including public buildings and transportation, and integration into mainstream education and that it specifically addresses the situation of children in remote areas.

Health and health services

156. The Committee welcomes the implementation of the Integrated Management of Childhood Illness (IMCI) and the marked improvement in immunization coverage. However, the Committee remained concerned at the high infant and under-5 mortality rates, the high incidence of malaria, especially among the Amerindian children, as well as the high incidence of malnutrition, including iron deficiency anaemia and stunting of growth.

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

(a) Take all necessary measures to reduce mortality rates by improving prenatal care and preventing communicable diseases;

(b) Continue to combat malaria and address environmental causes and strengthen availability of nets and insecticides, especially in areas where malaria is most prevalent;

(c) Address the issue of malnutrition by education and ensuring availability of adequate nutrition among mothers and children;

(d) Continue to encourage exclusive breastfeeding for six months with appropriate introduction of infant diet thereafter, taking into account the support needed for working mothers.

Adolescent health

158. The Committee is concerned at the high rate of teenage pregnancies and drug abuse among adolescents.

159. The Committee recommends that the State party set up adequate services for adolescents, including mental health and reproductive health services. It also recommends that the State party take all necessary measures to prevent drug abuse and provide therapeutic and rehabilitative services for drug abusers.

HIV/AIDS

160. The Committee welcomes the National Strategic Plan HIV/AIDS 2002-2006 and the manufacturing of anti-retroviral drugs in the State party and supplying them free of charge to adults. However, the Committee is concerned about the rapid spread of HIV/AIDS within the State party causing a large number of children to be infected or affected by HIV/AIDS.

161. The Committee recommends that the State party 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, in accordance with the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).

7. Education, leisure and cultural activities

162. The Committee notes the State party's efforts to increase enrolment rates at both primary and secondary schools and the programme established to bring dropout children back into educational settings. However, the Committee remains concerned at the high dropout rates, especially among boys, which are influenced by the economic situation of the families. The Committee is also concerned at the decrease in the quality of education, teacher availability and training and at the widening of educational disparities in the hinterland regions.

163. The Committee recommends that the State party:

- (a) Continue to strengthen measures aimed at increasing enrolment rates in primary and secondary education and to further increase attempts to bring dropouts back to school and other training programmes;**
- (b) Ensure that pregnant teenagers are given an opportunity to complete their education;**
- (c) Develop and use indicators for quality education, especially in the hinterland regions;**
- (d) Include human rights education as part of the curriculum.**

8. Special protection measures

Economic exploitation, including child labour

164. The Committee expresses its concern at the increasing prevalence of child labour in the State party.

165. The Committee recommends that the State party take the necessary measures for improving the effectiveness of labour inspectorate and other forms of monitoring child labour.

Street children

166. While noting the study with UNICEF on street children and the State party's awareness of the phenomenon of increasing numbers of street children, the Committee remains concerned at the situation of street children and at the lack of adequate and sufficient measures to address this situation.

167. The Committee recommends that the State party continue and strengthen its efforts to assist street children, including reintegration into their families as well as taking preventive measures. It also recommends that the State party continue to seek international assistance from, inter alia, UNICEF and ILO in this regard.

Sexual exploitation

168. The Committee notes the results of the studies on the problem of sexual exploitation in the State party and expresses its concern at the lack of specific data on this issue and of targeted measures to address it.

169. The Committee recommends that the State party:

(a) Undertake a comprehensive study on 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;

(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.

Juvenile justice

170. While recognizing the efforts made by the State party in this domain, the Committee remains concerned at the incompatibility of the juvenile system with the provisions and principles of the Convention. It is especially concerned at the fact that the age of criminal

responsibility, fixed at 10 years, is too low and that 17-years-olds are tried as adults. Furthermore, the Committee is concerned at the lack of remand homes for male and female juveniles and at the very harsh conditions of detention.

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

(a) **Raise the age of criminal responsibility and ensure that 17-years-olds are given adequate special protection so that they may not be tried as adults;**

(b) **Ensure that the amendment to the Juvenile Offenders Act reflects the 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) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice;**

(c) **Provide children with legal assistance at an early stage of the proceedings;**

(d) **Establish separate remand homes for boys and girls;**

(e) **Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice.**

Amerindian children

172. The Committee is concerned at the living conditions of Amerindian children with regard to the full enjoyment of all rights enshrined in the Convention, especially the degradation of their natural environment and the fact that they are not taught in their own languages.

173. **In light of articles 2 and 30 of the Convention and the recommendations adopted by the Committee at its day of general discussion on the rights of indigenous children in September 2003, the Committee recommends that the State party take all necessary measures to protect Amerindian children against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention. The Committee also recommends that the current revision of the Amerindian Act reflect the provisions and principles of the Convention.**

9. Optional Protocols to the Convention

174. The Committee notes that the State party has not ratified 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.

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

10. Dissemination of documents

176. 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

177. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (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 implementation of the Convention. 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, third and fourth periodic reports in one consolidated report by 12 February 2008, due date for the submission of the fourth periodic report. 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: Armenia

178. The Committee considered the second periodic report of Armenia (CRC/C/93/Add.6) at its 924th and 925th meetings (see CRC/C/SR.924 and 925), held on 15 January 2004, and adopted, at its 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

179. The Committee welcomes the submission of the State party's second periodic report, which was prepared in general conformity with the reporting guidelines, and of the written replies to its list of issues (CRC/C/Q/ARM/2). It also appreciates the frank and constructive dialogue held with the State party's high-level delegation.

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

180. The Committee welcomes a number of positive developments in the reporting period, including:

(a) Amendments of 2002 and 2003 to the Children's Rights Act, which strengthen the protection of the rights of the Convention in national legislation;

- (b) The adoption of the Human Rights Procurator Act, which entered into force on 1 January 2004, pursuant to which a Human Rights Procurator (Ombudsman) will be appointed within a period of two months;
- (c) The adoption in 2003 of the National Plan of Action for the Protection of Children's Rights in Armenia to be implemented from 2004 to 2015;
- (d) The adoption in 2003 of the Strategic Programme to Overcome Poverty to be implemented from 2004 to 2015;
- (e) The approval of the National Strategy to Combat HIV/AIDS in 2002;
- (f) The ratification in 2003 by the State party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- (g) The unconditional abolishment by the State party of capital punishment following its ratification in 2003 of Protocol 6 to the European Convention on Human Rights.

C. Factors and difficulties impeding the implementation of the Convention

181. The Committee notes that the State party continues to face serious economic, social and political challenges posed by the transition to a market economy, including increased unemployment and poverty, and the unresolved conflict over Nagorny Karabakh.

D. Principal subjects of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

182. The Committee very much regrets that no explicit follow-up was given to the previous recommendations (CRC/C/15/Add.119 of 24 February 2000) made upon consideration of the State party's initial report (CRC/C/28/Add.9), although some of them seem to have been taken into account.

183. The Committee recommends that the State party pay priority attention to the implementation of the previous recommendations, many of which are reiterated in the present document, and to the list of concerns and recommendations contained in the present concluding observations. The Committee expects the State party to indicate more clearly in its next periodic report follow-up measures taken in implementation of the recommendations contained in the present document.

Legislation

184. The Committee welcomes the various programmes and legislative reforms aiming at strengthening the protection of the rights of the child and bringing national legislation into

conformity with the Convention, which are currently being prepared, including the new family law. However, the Committee expresses concern about the slow pace at which the drafting of new legislation is advancing.

185. The Committee recommends that the State party strengthen its efforts to ensure full conformity of its legislation with the Convention and to ensure that the law in question is fully implemented in practice.

Coordination

186. The Committee concurs with the statement made in the State party's report that "the need to coordinate children's problems and find solutions to them at the national level is more urgent than ever" (para. 78). The Committee notes with regret in this regard that, apart from the body set up in 1999 to coordinate the affairs of children deprived of parental care, no standing national mechanism has been established to ensure effective coordination of activities in the field of children's rights between ministries, local authorities and non-governmental organizations.

187. The Committee reiterates its recommendation that the State party take further measures to ensure effective national coordination of activities in the field of children's rights and that adequate support be given to local authorities for the implementation of the Convention.

Data collection

188. While acknowledging the establishment of a data bank with data on adoptions, children in institutions, abandoned and vagrant children, as well as the detailed data on education presented in the State party's written replies, the Committee reiterates its concern about the absence of mechanisms to collect and analyse disaggregated data on persons under 18 years in all areas covered by the Convention, including the most vulnerable groups, such as children with disabilities, street children, children living in rural areas, refugee children and children belonging to minority groups.

189. The Committee reiterates its recommendation that the State party develop a comprehensive system for collecting disaggregated data as a basis on which to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, among others, the United Nations Children's Fund (UNICEF) in this regard.

Independent monitoring structures

190. The Committee underlines the importance of ensuring that the newly established Human Rights Procurator (Ombudsperson) receives sufficient powers and human and financial resources to deal adequately with children's rights.

191. The Committee encourages the State party to ensure that the Office of the Human Rights Procurator works as an independent and effective national institution in accordance 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). The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 (2002) on the role of national human rights institutions in the protection and promotion of the rights of the child, establish either a Procurator specifically responsible for children's rights, or a specific section or division within the Office of the Human Rights Procurator responsible for children's rights.

National Plan of Action

192. The Committee welcomes the adoption of the National Plan of Action for the Protection of Children's Rights in Armenia and underlines the importance of establishing mechanisms for its effective implementation and monitoring.

193. **The Committee recommends that the State party ensure that the National Plan of Action covers all areas of the Convention and takes into account the outcome document, "A World Fit for Children", of the 2002 United Nations General Assembly special session on children, and that the National Resource Centre on Children's Rights, charged with promoting and monitoring the implementation of the National Plan of Action for the Protection of Children's Rights, is made functional as soon as possible and allocated sufficient human and financial resources to fulfil its mandate.**

Allocation of budgetary resources

194. The Committee welcomes the information concerning the increase in some of the budgets allocated for children, but remains concerned that resources allocated for the protection of children's economic, social and cultural rights are still very low and do not meet international standards.

195. **The Committee reiterates its recommendation that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of rights of the child and to collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels and prioritize budgetary allocations with a view to implementing fully article 4 of the Convention, ensuring 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".**

Training/dissemination of the Convention

196. The Committee reiterates its concern about the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. While recognizing that efforts have been made over the last years to enhance awareness of the Convention, the Committee is concerned that such awareness-raising activities are not done in a systematic and targeted manner.

197. **The Committee reiterates its recommendation that the State party develop an ongoing programme for the dissemination of information on the Convention and its**

implementation. The Committee also encourages the State party to pursue efforts to promote education on children's rights in the country and to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF in this regard.

2. Definition of the child

198. The Committee reiterates the concern expressed by the Committee on the Elimination of Discrimination against Women (A/57/38) that the different minimum legal age of marriage, set at 18 for men and 17 for women, contravenes the principle of non-discrimination.

199. **The Committee recommends that the State party raise the minimum legal age of marriage for girls to that for boys.**

3. General principles

Non-discrimination

200. Noting that discrimination is prohibited under the law, the Committee remains concerned at persistent de facto discrimination on the grounds of gender as well as at discrepancies in the enjoyment of rights in relation to certain vulnerable groups, including children with disabilities, refugee children, children living in rural areas, children from poor families, street children, and children living in institutions.

201. **The Committee encourages the State party to ensure the effective enforcement of protective laws, to undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, and to sensitize society to the situation and needs of children within the society and particularly within the family. In this regard, the Committee requests that specific information be included in the next periodic report on the measures and programmes undertaken to follow up on the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

202. The Committee welcomes the drafting of regulations on student self-government with the assistance of UNICEF. However, the Committee reiterates its concern that respect for the views of the children remains limited in schools, care institutions, the courts and within the family.

203. **The Committee reiterates its recommendation that the State party take further measures to promote and facilitate within the family, the school, care 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. The State party should ensure that teachers, social workers and local officials are trained to assist children in forming and expressing informed views and that these views are given due weight according to the child's age and maturity.

4. Civil rights and freedoms

Birth registration and nationality

204. The Committee is concerned at the extent of non-registration of births in the State party, a problem which seems to be connected with the increasing number of births at home and the difficulty of travelling to regional centres from remote areas to register births.

205. The Committee recommends that the State party strengthen efforts to ensure that all children born in Armenia are registered, including by facilitating birth registration procedures and assisting families in acquiring the necessary documentation and waiving fees for the poor.

206. The Committee welcomes progress made in the formulation of amendments to the Law on Refugees of 1999. It notes, however, that these amendments do not include explicit provisions on family reunification for asylum-seekers and refugees.

207. The Committee recommends that the draft law on amendments to the Law on Refugees of 1999 currently under consideration provide explicit protection of the family unity of asylum-seekers and refugees. The amendments should also ensure that refugee children automatically acquire Armenian citizenship when their parents do so, and that the Law on Citizenship is revised accordingly.

Freedom of thought, conscience and religion

208. The Committee notes that in 2002 the study of the history of the Armenian Apostolic Church was made a compulsory subject in schools.

209. In the light of article 14, the Committee recommends that the compulsory teaching of that subject does not infringe on the rights of children belonging to religious minorities.

5. Family environment and alternative care

Assistance to parents

210. The Committee recognizes the State party's strong emphasis on the role of family life in Armenian society and its desire to provide adequate care for children in Armenian families. However, it is concerned that there is a serious lack of community-based services to assist families in difficult circumstances in resolving their problems and to prevent the separation of children from their parents.

211. The Committee recommends that the State party take further measures to strengthen community-based and other services to assist families in difficult circumstances.

Alternative care

212. The Committee reiterates its concern about the high number of children living in institutions (including boarding schools). In particular, the Committee notes with concern the rising numbers of de facto orphans in the State party, due to the protracted social and economic crisis in the country where an increasing number of parents find themselves without the means to maintain their children. The Committee also restates its concern, in the light of article 25 of the Convention, about the lack of adequate and systematic review of the situation and conditions of children living in institutions.

213. The Committee urges the State party to ensure the effective implementation of the State Strategic Programme for the Reform of Institutions Involved in the Care and Maintenance of Children, with a view to reducing the number of children placed in institutions, improving their quality of life and facilitating their integration into society. In this regard, the Committee recommends further training of personnel in institutions and that effective mechanisms be set up to evaluate and monitor the conditions in children's institutions. The Committee encourages the State party to consider expanding the pilot project envisaged for 2004 of supporting children's return to their families or placement in foster care. It also encourages the State party to implement plans to offer one-room apartments free of charge for a period of 10 years to children discharged from children's homes.

Adoption

214. The Committee notes that a set of instruments were approved by the Government in 2000 which define the conditions and standards for adoption and foster care. It also commends amendments to relevant legislation designed to give priority to domestic adoption of children and avoid adoptions from medical institutions. The Committee, however, remains concerned about the absence of established mechanisms to review, monitor and follow up placement of children.

215. The Committee recommends that the State party ensure that effective mechanisms to review, monitor and follow up adoption of children are established. In this regard, serious consideration should be given to the establishment of a central authority for adoption. The Committee also recommends that the State party ensure that the Adoption Act is in full conformity with the Convention. The adoption law should guarantee the right of the child to know his or her origin and to have access to information about the background and vital medical history of both the child and biological parents. Furthermore, the Committee encourages the State party to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse and neglect, including psychological recovery and social reintegration

216. While taking note that the Children's Rights Act and the Criminal Code include provisions which protect children against violence and abuse, the Committee reiterates its concern that the State party has not yet introduced legislative and other measures which specifically address the issue of violence against children. The Committee is concerned about the lack of data on cases of abuse, including sexual abuse and neglect, and ill-treatment of children, which may occur in child institutions and families, as well as information on specific

programmes of systematic control of mechanisms in place to avoid institutional impunity in cases of abuse and ill-treatment. It is also concerned at the lack of complaints mechanisms to which children could have recourse and the fact that only medical professionals are responsible for reporting cases of abuse and neglect.

217. The Committee encourages the State party to adopt specific legislation and take other measures to prevent violence against children in all circumstances, including corporal punishment. It also recommends that the State party strengthen programmes for the recovery and reintegration of abused children and establish adequate procedures and mechanisms to receive complaints and to monitor, investigate and prosecute cases of ill-treatment. The Committee urges the State party to ensure that all people working with children, such as teachers and care personnel, are made responsible for reporting cases of abuse and neglect. The Committee recommends that the State party launch awareness-raising campaigns on the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the family, schools and other institutions and ensure that all people working with children, including law enforcement officials, judges and health professionals, undergo training in how to identify, report and manage cases of ill-treatment.

Recovery of maintenance for the child

218. While domestic legislation includes provisions on maintenance allowance, and stipulates that persistent refusal by parents to pay court-ordered maintenance payments for their children is a criminal offence, the Committee is concerned at the lack of implementation of these provisions, partly due to widespread ignorance of the law.

219. The Committee recommends that the State party:

(a) Make widely known the provisions of domestic legislation concerning maintenance allowance and assist mothers, where necessary, in undertaking legal action;

(b) Ensure that professional groups dealing with this issue are adequately trained and the courts enforce more strictly the recovery of maintenance from solvent parents who refuse to pay;

(c) Take necessary measures to ensure that financial assistance is provided to children born out of wedlock and children of single-parent families in cases where maintenance cannot be obtained from solvent parents.

6. Basic health and welfare

Children with disabilities

220. The Committee remains concerned at the prevailing poor situation of children with disabilities, who are often institutionalized. Furthermore, while noting the measures taken to enable children with disabilities to receive instruction within regular schools, the Committee regrets that access by children with disabilities to mainstream and special education remains limited.

221. **Reiterating its previous recommendations, and in light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee encourages the State party to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The Committee also encourages the State party to strengthen ongoing efforts to integrate children with disabilities into mainstream education. The Committee also reiterates its recommendation that awareness-raising campaigns focusing on prevention, inclusive education, family care and the promotion of the rights of children with disabilities be undertaken, and that adequate training be made available to persons working with these children.**

Health and health services

222. While welcoming the adoption in March 2003 of a programme to provide free medical care, including dental care, for children up to the age of 15 and free inpatient medical care to children belonging to underprivileged groups up to the age of 18, the Committee reiterates its concern regarding the deterioration in the health system in the State party following cuts in public expenditure on the health system. In this regard, the Committee notes with concern that infant and maternal mortality rates remain high and that an increasing number of children and mothers suffer from malnutrition as a result of rising food prices and poverty. The Committee is also concerned about the continuous growth in tuberculosis morbidity among children and the deterioration in the collection and recording of statistical data on health.

223. **The Committee urges the State party to:**

- (a) Increase allocation of resources towards an effective primary health-care system;**
- (b) Facilitate greater accessibility of health services, in particular in rural areas, including access to prenatal clinics and maternity hospitals;**
- (c) Take measures to reduce child and infant mortality rates and combat tuberculosis;**
- (d) Take measures to improve children's nutrition, including education on proper breastfeeding practices among mothers, and to remedy inequalities in access, availability and affordability of nutritious food;**
- (e) Take measures to educate the public on healthy eating habits, providing the necessary dietary supplements to reduce the incidence of iron deficiency anaemia among mothers and children;**
- (f) Strengthen data collection mechanisms and provide the Committee with relevant disaggregated and comparative data on the state of children's health;**

(g) Continue cooperation with and seek assistance from, among others, UNICEF, the World Health Organization (WHO), the World Food Programme and civil society.

224. The Committee reiterates its concern regarding the high incidence of teenage pregnancies and the consequent high rate of abortions among girls under 18, especially illegal abortions. Furthermore, while the incidence of HIV remains low in the State party, the Committee is concerned about the lack of knowledge about HIV/AIDS among young people. The Committee welcomes, in this regard, the legislative measures taken in the area of reproductive health and HIV/AIDS prevention in 2002, such as the Reproductive Health and Human Reproductive Rights Act, the approval of the National Strategy to Combat HIV/AIDS in 2002, and the establishment of an Inter-Ministerial Council for HIV/AIDS Prevention.

225. The Committee recommends that the State party reinforce its efforts to reduce the number of teenage pregnancies and combat HIV/AIDS and other sexually transmitted diseases, including by ensuring that adolescents are provided with reproductive health education and child-friendly counselling services.

226. The Committee reiterates its concern at the high incidence of environmental threats. In particular, the Committee notes with concern that old water pipes and failures in the water supply system have led to contamination of drinking water and serious outbreaks of infectious diseases.

227. In the light of article 24 (c) of the Convention, the Committee reiterates its recommendation that the State party take all appropriate measures, including international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee encourages the State party to collect data on access to clean water and sanitation.

Social security and childcare services and facilities/Standard of living

228. While acknowledging the efforts made by the State party to address the high level of poverty, including the Strategic Programme to Overcome Poverty approved in 2003 and the increase of benefits and allowances for poor families and children, the Committee remains deeply concerned about the large number of children living below the absolute poverty line.

229. The Committee recommends that the State party continue and strengthen its efforts to support poor families and provide the necessary resources for the full implementation of the Strategic Programme to Overcome Poverty.

7. Education, leisure and cultural activities

Right to and aims of education

230. The Committee welcomes that a special curriculum for teaching human rights as the foundations of democracy and civil society has been introduced in primary education and that teachers have received training on how to teach this subject.

231. The Committee notes with satisfaction the adoption of a State programme for the development of education over the period 2001-2005, centred on raising the level of education and broadening the involvement of children in the system. The Committee also welcomes the announced increase in funds allocated to education in the budget for 2004-2006 and the provision of school supplies to poor children under the programme "When September Comes". However, it is concerned that budget allocations to the education sector remain low and that public underfinancing has led to an increase in user payment, despite the fact that citizens are guaranteed free primary and secondary education under Armenian law. The Committee reiterates in this regard its concern that low wages have forced teachers to offer private tuition, creating a two-tier system of education. The Committee is also concerned about the low rate of early childhood education and the high rates of non-attendance, absenteeism and dropout in primary and secondary education. Moreover, in line with the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/61/CO/1), the Committee expresses its concern about the inadequate access by minority children to education in their mother tongue.

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

(a) Allocate the required resources (human, technical and financial) to ensure access to quality education for all children, including the most vulnerable groups;

(b) Develop indicators for quality education and ensure that the quality of education is monitored and guaranteed;

(c) Continue efforts to remove obstacles to school attendance at all levels in order to keep all children in school and provide programmes that bring dropout students back in school or offer them other appropriate educational/vocational programmes;

(d) Direct greater efforts to improving the quality of teacher training programmes, and improving the school environment;

(e) Ensure, whenever possible, that children belonging to minority groups have access to education in their mother tongue;

(f) Seek assistance from, among others, UNICEF, the United Nations Educational, Scientific and Cultural Organization and relevant international NGOs.

Leisure, recreation and cultural activities

233. The Committee notes with concern the general deterioration in children's access to quality leisure facilities like sports centres and public libraries.

234. **The Committee recommends that the State party give priority to improving children's access to, and quality of, sports centres, cultural institutions and other leisure facilities.**

8. Special protection measures

Unaccompanied, asylum-seeking and refugee children

235. The Committee is concerned that the situation of a large number of refugees from Azerbaijan who arrived in Armenia between 1988 and 1992 as a result of the Nagorny Karabakh conflict has still not been settled. It is concerned that this group remains one of the most vulnerable groups in Armenia.

236. The Committee recommends that the State party increase its efforts to improve and facilitate the integration of refugees into Armenian society.

Economic exploitation

237. The Committee notes with appreciation the information provided by the State party's delegation that Armenia plans to ratify International Labour Organization (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 following the adoption in 2004 of a new Labour Code. The Committee reiterates its concern that child labour is a problem in the State party, with an increasing number of children dropping out of school and taking up work in the informal sector, especially in agriculture. The Committee is concerned that there is little awareness in Armenia of the negative consequences of child labour and that there are inadequate measures to address this issue.

238. The Committee recommends that the State party ensure the effective implementation of the minimum age for admission to employment, set at 16 in the Labour Code, and of other provisions prohibiting heavy and hazardous work for children under 18. Employers should be required to have and produce on request proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of child labour. The Committee also recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, to work hazards; and to involve and train employers', workers' and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals. The State party should seek cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs in this regard. The Committee also encourages the State party to ratify ILO Conventions Nos. 138 and 182 as soon as possible.

Drug abuse

239. The Committee reiterates its concern about the increasing use of and traffic in illicit drugs among persons under 18 years. The Committee also notes with concern that child drug abusers are considered as criminals under article 231 of the Criminal Code and not as children in need of care and protection.

240. **The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of the United Nations Drug Control Programme. The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance abuse. The Committee urges the State party to ensure that child drug abusers are not criminalized, but treated as victims in need of assistance towards recovery and reintegration, and that the State party develop preventive and reintegration programmes for children who are victims of substance abuse. The Committee recommends cooperation with and assistance from WHO and UNICEF.**

Sexual exploitation

241. While welcoming that penalties have been introduced under the Criminal Code for enticing girls into prostitution and keeping brothels, the Committee reiterates its concern at the insufficient data on and awareness of the phenomenon of sexual exploitation of children in Armenia, and at the absence of a comprehensive and integrated approach to preventing and combating this phenomenon. Furthermore, the Committee is deeply concerned that persons under 18 years of age engaged in prostitution are prosecuted under the Criminal Code, rather than assisted as victims.

242. **The Committee reiterates its recommendation that the State party undertake a national study on the nature and extent of sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee urges the State party to review its legislation with a view to ensuring that children engaged in prostitution are not criminalized, but rather seen as victims of their circumstances. In this regard, the State party should ensure that proper social support structures are available to victims of sexual exploitation in the area of reintegration and recovery. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.**

Sale, trafficking and abduction

243. The Committee welcomes the recent efforts made by the State party to combat the phenomenon of trafficking and sale of children in the State party, including the establishment of an inter-agency commission to deal with trafficking in women and children and the amendment of the Criminal Code in April 2003 whereby trafficking and sexual exploitation are made specific criminal offences. However, the Committee notes that a comprehensive policy to combat trafficking in women, girls and boys is still lacking. Furthermore the Committee is concerned that refugee children and children living in orphanages may be particularly at risk.

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

(a) **Adopt and ensure the effective implementation of the National Programme to Combat Trafficking, which is currently under consideration, 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 by the Committee on the Elimination of Discrimination against Women in this respect (A/56/38, para. 97);

(b) Adopt measures to reduce vulnerability of children, especially refugee children and children living in orphanages, to traffickers, and establish crisis centres, telephone helplines and social reintegration programmes for victims of trafficking and/or sexual exploitation;

(c) Conduct further research related to the occurrence of child trafficking and strengthen regional cooperation with countries to which Armenian children are trafficked, and consider seeking technical cooperation from, among others, UNICEF, ILO and the International Organization for Migration in this respect.

245. The Committee reiterates its concern about the situation of street children, who are amongst the most marginalized groups of children in Armenia.

246. **The Committee reiterates its recommendation that the State party establish mechanisms to ensure that these street children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure that these children have access to health care; reintegration services for physical, sexual, and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee also recommends that the State party undertake a study on the nature and extent of the phenomenon.**

Administration of juvenile justice

247. The Committee reiterates its concern about the absence of a system of juvenile justice, in particular the absence of specific laws, procedures and juvenile courts. The Committee is also concerned about: the length of pre-trial detention and the limited access to visitors during this period; the use of detention not as a measure of last resort, and the often disproportionate length of sentences in relation to the seriousness of offences; the conditions of detention; and the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

248. **The Committee reiterates its recommendation that the State party take all measures to fully integrate 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 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. In particular, the Committee encourages the State party:**

(a) To give priority attention to proposals to establish specific courts to deal with all persons under the age of 18;

(b) To develop and implement alternative measures to reduce the use and length of pre-trial detention and other custodial sentences;

(c) To ensure that the deprivation of liberty of juveniles is only used as a measure of last resort, for the shortest possible time, and that children have access to legal aid;

(d) To ensure that training of prosecutors, judges, lawyers and others involved in the administration of justice is carried out systematically and consistently;

(e) To develop programmes and provide facilities for the physical and psychological recovery and social reintegration of juveniles;

(f) To seek technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the Centre for International Crime Prevention, and UNICEF.

9. Optional Protocols to the Convention

249. The Committee notes that in September 2003 the State party signed 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, and encourages the State party to proceed to ratify both Optional Protocols.

10. Dissemination of documents

250. **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.**

11. Next report

251. **In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (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 implementation of the Convention. 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 22 January 2009, i.e. 18 months before the date on which the fourth periodic report is due. The 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: Germany

252. The Committee considered the second periodic report of Germany (CRC/C/83/Add.7) at its 926th and 927th meetings (see CRC/C/SR.926 and 927), held on 16 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

253. 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/DEU/2). The Committee appreciates the presence of a high-level delegation directly involved with the implementation of the Convention which allowed for a better understanding of the implementation of the rights of the child in the State party. B. Follow-up measures undertaken and progress achieved by the State party

254. **The Committee welcomes the adoption of:**

(a) The law on Nationality and Citizenship adopted on 15 July 1999, which allows for a better integration of foreign children;

(b) The amendment of the Law on Family Matters (*Reform zum Kindschaftsrecht*) of 16 December 1997, which came into force on 1 July 1998 and which suppresses discrimination between children born in or out of wedlock regarding custody and visitation rights;

(c) The ratification in 2001 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(d) The ratification in 2002 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

255. The Committee notes that the reunification of Germany and its implications continue to have effects on the implementation of the Convention throughout the State party.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

256. The Committee notes with concern that the State party mentioned on several occasions in its report that it would not implement various recommendations of the Committee. It further regrets that some of the concerns expressed and the recommendations made (CRC/C/15/Add.43) after its consideration of the State party's initial report (CRC/C/11/Add.5) have been

insufficiently addressed, particularly those contained in paragraphs 21-26 and 29-35, such as the establishment of an independent monitoring mechanism. Those concerns and recommendations are reiterated in the present document.

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

Reservations/declarations

258. The Committee acknowledges the information (CRC/C/83/Add.7, paras. 84 and 844 and written replies, pp. 46 and 47) that the reservations and declarations the State party made upon ratification have become unnecessary, *inter alia*, due to recent legislation. But the Committee remains concerned at the lack of willingness of the majority of the Länder to accept the withdrawal of these reservations and declarations.

259. In light of the 1993 Vienna Declaration and Programme of Action, and in line with its previous recommendations (CRC/C/15/43, para. 22), the Committee recommends that the State party expedite the process for the withdrawal of the reservations and declarations it had made before the submission of its next periodic report and increase, in particular, its efforts to convince the Länder of the need to withdraw them.

Legislation

260. The Committee is aware of the numerous laws relevant to children's rights which have been adopted since the consideration of the initial report but remains concerned that the Convention has not been incorporated into the Basic Law, as foreseen at the time of the initial report.

261. In light of its previous recommendations (para. 21), the Committee recommends that the State party:

- (a) Reconsider the incorporation of the Convention into the Basic Law;**
- (b) Ensure, through an appropriate mechanism, that all national and Länder laws fully conform with the Convention;**
- (c) Ensure that adequate provision is made for the effective implementation of those recommendations, including through budgetary allocations.**

Coordination

262. The Committee notes that the Ministry for Family Affairs, Senior Citizens, Women and Youth is responsible for coordinating the implementation of the Convention, and that coordinating mechanisms exist between the Länder such as the Association of Supreme Land Youth Authorities and the Conference of Land Youth Ministers. However, considering that the implementation of the Convention cuts across many ministries, the Committee remains

concerned that the absence of a central mechanism to coordinate the implementation of the Convention in the State party at the national and Land and local levels makes it difficult to achieve a comprehensive and coherent child rights policy.

263. The Committee recommends that the State party establish an adequate permanent national mechanism to coordinate the implementation of the Convention at the federal level, between the federal and the Länder levels and between the Länder.

National Plan of Action

264. The Committee notes with satisfaction that a National Plan of Action is currently being drafted in accordance with the outcome document “A World Fit for Children” of the 2002 General Assembly special session on children, but remains concerned that this National Plan of Action may not cover all areas of the Convention.

265. The Committee recommends that the State party expedite the adoption of the National Plan of Action, which should cover all areas of the Convention, be comprehensive and multidisciplinary, and provide for a coordination and monitoring mechanism. The Committee further recommends that the adoption and implementation of this Plan of Action be done through an open, consultative and participatory process.

Independent monitoring structures

266. The Committee notes the existence of various human rights institutions which also cover children’s rights, as well as Children’s Commissioners at the Länder level, the Children’s Commission of the German *Bundestag* and an independent commission in charge of regularly reporting on the situation of children and youth (*Kinder- und Jugendbericht*). However, the Committee is concerned that there is no central independent mechanism for a comprehensive monitoring of the Convention which is empowered to receive and address individual complaints of children at the Länder and federal levels.

267. The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance 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), taking into account the Committee’s general comment No. 2 (2002) on the role of national human rights institutions in the protection and promotion of the rights of the child, 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, technical and financial resources and that its mandate include the power to receive, investigate and address effectively complaints of violations of child rights in a child-sensitive manner.

Data collection

268. The Committee notes with appreciation the wealth of statistical data provided in the annexes to the State party’s report but remains concerned at the insufficient data in some areas covered by the Convention.

269. **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 and rural area. This system should cover all children up to the age of 18 years with specific emphasis on those who are particularly vulnerable, such as foreign children. It further encourages the State party to use these indicators and data in formulating policies and programmes for the effective implementation of the Convention.**

Training and dissemination

270. The Committee notes the various activities undertaken by the State party to disseminate the provisions and principles of the Convention but remains particularly concerned that, according to recent studies, most children and adults, notably those belonging to vulnerable groups, are not aware of the rights contained in the Convention. The Committee is, therefore, concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities concerning the Convention in a systematic and targeted manner.

271. **In line with its previous recommendations (paras. 26, 27 and 36) and article 42 of the Convention, the Committee recommends that the State party:**

(a) **Substantially expand dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach vulnerable groups such as asylum-seekers, refugees and ethnic minorities;**

(b) **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, teachers and health personnel).**

International cooperation

272. The Committee notes the approval of the Programme of Action 2015 for Poverty Reduction and the many other activities in the area of international cooperation and assistance, but remains concerned that the State party devotes only about 0.27 per cent of its gross national income to the official development assistance, and that the foreseen increase to 0.33 per cent in 2006 is very slow.

273. **In light of its previous recommendations (para. 25), the Committee encourages the State party to implement the United Nations target of allocating 0.7 per cent of gross domestic product to overseas development assistance as soon as possible and emphasize its concern about basic social services to attain the objectives of the Copenhagen 20/20 Initiative.**

2. General principles

Right to non-discrimination

274. While acknowledging the prohibition of discrimination in the Basic Law (art. 3), the Committee is concerned at the de facto discrimination against foreign children and at incidents

of racial hatred and xenophobia that have a negative effect on the development of children. The Committee is also concerned that some of the Land disparities in practices and services provided and in the enjoyment of rights by children may amount to discrimination.

275. In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against foreign children or children belonging to minorities.

276. 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 in 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) (aims of education).

Best interests of the child

277. The Committee takes note of the various initiatives which have been developed in order to take into consideration the principle of the best interests of the child (art. 3), but remains concerned that this general principle is not fully applied and duly integrated in the implementation of the policies and programmes of the State party nor in administrative and judicial decisions.

278. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation and budgets, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

279. The Committee notes the progress achieved in the implementation of article 12 of the Convention with various legal provisions recognizing the right of the child to express his/her views, but remains concerned that the general principle as laid down in that article is not fully applied and duly integrated in practice into the implementation of the policies and programmes throughout the State party.

280. The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable groups. This general principle should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large as well as education and training of professionals on the implementation of this principle should be reinforced.

3. Civil rights and freedoms

Freedom of religion

281. The Committee notes the decision of the Constitutional Court of 24 September 2003 (2 BvR 1436/02, Case Ludin) but is concerned at laws currently under discussion in some of the Länder aiming at banning schoolteachers from wearing headscarves in public schools, as this does not contribute to the child's understanding of the right to freedom of religion and to the development of an attitude of tolerance as promoted in the aims of education under article 29 of the Convention.

282. **The Committee recommends that the State party take educational and other measures aimed at children, parents and others to develop a culture of understanding and tolerance, particularly in the area of freedom of religion, conscience and thought by, inter alia, avoiding measures which single out a particular religious group.**

Access to information

283. While welcoming the State party's efforts to protect children from harmful printed and electronic communications media (e.g. the Youth Protection Act and the interstate agreement on the protection of minors in the media, 2003), the Committee remains concerned that the legal situation might be complicated due to a multiplication of legal instruments and that the sharing of responsibilities between the federal and Land levels is not clear.

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

(a) **Ensure the full implementation of the newly adopted regulations on the protection of children against harmful information and find ways to make the legal situation in this regard more transparent;**

(b) **Consider further means, including through the provision of advice to parents, of protecting children from information that may be harmful to them.**

4. Family environment and alternative care

Parental responsibilities

285. The Committee notes with appreciation the adoption of the third law to amend the federal law on child benefits (entered into force on 1 January 2001) which improves the possibility for both parents to take parental leave and the amendment of the law on parental custody which provides for shared parental custody (*Sorgerecht*) even when they are divorced, separated, or not married, but remains concerned that the judicial system is not yet prepared to fully implement this latter legislation.

286. **The Committee recommends that the State party take all necessary measures for a full implementation of the new legislation relating to the law on parental custody, notably through adequate training for magistrates.**

Intercountry adoption

287. The Committee welcomes the ratification in 2001 by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, and notes the measures taken for its implementation, but remains concerned at possible irregularities in these cases of adoption, as mentioned in the State party's report (para. 476).

288. The Committee recommends that the State party continue to take all necessary measures to deal with possible irregularities in cases of intercountry adoptions, inter alia, by fully implementing the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and by promoting ratification of the Convention by States of origin of children adopted by Germans that have not yet acceded to that Convention.

Illicit transfer and non-return of children abroad

289. The Committee notes with satisfaction that Germany is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980, but remains concerned that the abduction of children by either of their parents is a growing problem.

290. The Committee recommends that the State party fully and effectively apply the Hague Convention of 1980 to all children abducted into Germany (including those abducted from non-State parties to the aforesaid Convention) and encourage States which are not yet parties to this Convention to ratify or accede to it and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer of children abroad.

Violence, abuse, neglect and maltreatment

291. The Committee welcomes the introduction in 2000 of the law to prohibit violence in the upbringing of children, which prohibits corporal punishment within the family, and of various other legal instruments to fight against domestic violence (e.g. 2002 Act for Further Improving Children's Rights) but remains concerned that there is a lack of comprehensive data and information on the impact of the new legislation. The Committee is further concerned that various forms of violence continue to exist in the State party, in particular, sexual abuse and the growing problem of violence at school.

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

(a) Undertake a comprehensive study on violence, more particularly on sexual abuse and violence at school, in order to assess the extent, scope and nature of these practices;

(b) Strengthen awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse;

(c) Evaluate the work of existing structures and provide training for professionals involved in such cases.

5. Basic health and welfare

293. The Committee expresses its concerns at the widespread abuse of drugs, alcohol and tobacco among children; at the high incidence of infants born with the foetal alcohol syndrome; and that the number of children either of whose parents is a drug addict is estimated at 3 million.

294. The Committee recommends that the State party take all necessary measures to combat the abuse of drugs and alcohol among children and parents by, inter alia, undertaking intensive education campaigns and setting up adequate rehabilitation services.

Adolescent health

295. The Committee is concerned that children with psychiatric illness are treated in the adult's ward in psychiatric institutions and that ethical issues pertaining to psychiatry are not sufficiently taken into consideration. The Committee is further deeply concerned at the very high incidence of suicide among children and adolescents.

296. The Committee recommends that the State party take all necessary measures to ensure that children are separated from adults in psychiatric institutions and to take into consideration more fully international standards regarding the ethics of psychiatry. In addition, the Committee recommends that the State party strengthen adolescent health services, in particular counselling services and suicide prevention programmes.

Harmful traditional practices

297. The Committee notes that the prohibition on the practice of female genital mutilation is covered under criminal law, but expresses its concern at reports that female genital mutilation is practised in the State party on girls from sub-Saharan countries.

298. The Committee recommends that the State party:

(a) Undertake a study on the extent and nature of female genital mutilation practised in the State party or abroad on girls who live in Germany;

(b) Organize an information and awareness-raising campaign, taking into account the results of the study, to prevent this practise;

(c) Involve in this work non-governmental organizations that are active in this field;

(d) Give priority to the elimination of female genital mutilation in its programme of international cooperation by, inter alia, extending financial and technical assistance to countries of origin where female genital mutilation is practised that have active programmes designed to eliminate this practice.

Childcare services and facilities

299. The Committee shares the concerns of the State party regarding the lack of sufficient childcare facilities, especially in the western part of the country (see CRC/C/83/Add.7, paragraphs 584, 585 and 630) and of national standards for these facilities.

300. **In line with articles 18 (3) and 25 of the Convention and in light of the recommendations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.68, para. 44), the Committee recommends that the State party take measures to establish more childcare services to meet the needs of working parents, and to set up national standards to ensure quality childcare is available to all children.**

Right to an adequate standard of living

301. The Committee notes the change in policy from financial transfers to an emphasis on building appropriate infrastructure for poor families. It also welcomes the first national report on poverty (2001) and notes the increase in child allowances over the past years as well as the income tax reform which provides for measures to help families with children, but remains concerned at the prevalence of poverty, mainly affecting large families, single-parent families, families of foreign origin and disproportionately families from the eastern part of the State party, as indicated in the eleventh Youth Report.

302. **The Committee, in line with its previous recommendations (para. 31) recommends that the State party:**

(a) Take all necessary measures to the “maximum extent of ... available resources” to accelerate the elimination of child poverty, notably to eliminate the disparities between the eastern and western parts of the country;

(b) Continue to provide material assistance and support to economically disadvantaged families, notably single-parent families and families of foreign origin, to guarantee the right of children to an adequate standard of living;

(c) Evaluate appropriately the changes in social policies.

6. Education, leisure and cultural activities

303. The Committee notes that decentralized education may lead to some disparities in the implementation of articles 28 and 29 of the Convention. In addition, the Committee is concerned at the lack of adequate services for the education of children with learning difficulties.

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

(a) Take all necessary measures, especially through the Federal Government-Länder Commission for Educational Planning and the Promotion of Research (BLK) and with the participation of civil society, to ensure that articles 28 and 29 of the Convention are fully implemented throughout the Länder;

(b) With reference to paragraphs 23 and 24 above, and taking into consideration the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education), further develop human rights education;

(c) Further develop services for children with learning difficulties;

(d) Introduce in all schools programmes for civic education.

7. Special protection measures

Refugee children

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

(a) Refugee children between 16 and 18 years of age do not benefit from the rights contained in the Youth Welfare Act;

(b) Roma children and other children belonging to ethnic minorities may be forcibly expelled to countries their families have been fleeing;

(c) Recruitment of children as soldiers is not accepted as a child-specific persecution in the asylum procedure;

(d) The national requirements and procedures for family reunification for refugee families, as defined under the Convention relating to the Status of Refugees of 1951, are complex and too long;

(e) Some children of asylum-seekers in the Land Berlin were denied the right to a birth certificate because of incomplete documentation provided by the parents.

306. **In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:**

(a) To fully apply the provisions of the Youth Welfare Act to all refugee children below the age of 18 years;

(b) To review its legislation and policies regarding Roma children and other children belonging to ethnic minorities seeking asylum in the State party;

(c) To consider the recruitment of children as soldiers as a child-specific persecution to be accepted in asylum procedure;

(d) To ease refugee family reunification requirements and procedures, in particular for those covered by the refugee Convention of 1951;

(e) To ensure that birth certificates are issued for all children of refugees and asylum-seekers born in the territory of the State party.

Sexual exploitation and trafficking

307. The Committee welcomes the adoption of the Plan of Action of the Federal Government for the Protection of Children and Young People from Sexual Violence and Exploitation (January 2003), but remains concerned at the various ages retained in the Criminal Code depending on the offence committed by an adult against a child.

308. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:**

(a) Extend the protection against sexual exploitation and trafficking provided for in all relevant legislation to all boys and girls below the age of 18 years;

(b) Pursue its efforts to combat sexual exploitation of and trafficking in children by effectively implementing its Plan of Action, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Street children

309. While noting the efforts undertaken in this regard, the Committee expresses its concerns at the increasing number of street children in the State party, as well as the high percentage of foreign children among them.

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

(a) Pursue its efforts to prevent and reduce this phenomenon by addressing its root causes with a special emphasis on the protection of foreign children;

(b) Ensure that street children are provided with adequate food, 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 for physical, sexual and substance abuse; and services for reconciliation with their families.

Administration of juvenile justice

311. In addition to the reservations to article 40 (2) (b) (ii) and (v), the Committee is concerned at the increasing number of children placed in detention, disproportionately affecting children of foreign origin, and that children in detention or custody are placed with persons up to the age of 25 years.

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

(a) Take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, 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;

(b) Ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, that guarantees of due process are fully respected and that persons under 18 are not detained with adults;

(c) Develop alternatives to juvenile justice processing as referred to in the above-mentioned international standards.

8. Optional Protocols to the Convention

313. The Committee acknowledges the State party's support for the "Straight 18" position with regard to the Optional Protocol to the Convention on the involvement of children in armed conflict and the declaration it made on article 38 of the Convention. In this respect, the Committee notes that the process of ratification has been initiated in the State party and encourages it to 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.

9. Dissemination of documents

314. 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, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

10. Periodicity of submission of reports

315. Finally, in light of the recommendations on reporting periodicity adopted by the Committee and described in the reports on its twenty-ninth session (CRC/C/114) and thirty-second session (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 4 April 2009. This report should combine the third and fourth periodic reports. 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: The Kingdom of the Netherlands
(Netherlands and Aruba)***

316. The Committee considered the reports of the Kingdom of the Netherlands, which included the second periodic report of the Netherlands (CRC/C/117/Add.1) and the initial report of Aruba (CRC/C/117/Add.2) at its 928th and 929th meetings (see CRC/C/SR.928 and 929), held on 19 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

317. The Committee welcomes the submission of the State party's reports, as well as the detailed written replies to its list of issues (CRC/C/Q/NLD/2), which gave a better understanding of the situation of children in the State party. It also appreciates the presence of a high-level and cross-sectoral delegation and the frank and open dialogue with the delegation.

318. At the same time, the Committee reiterates its previous concerns, raised in the concluding observations (CRC/C/15/Add.186, para. 2) on the report of the Kingdom of the Netherlands (Netherlands Antilles), that although the Kingdom of the Netherlands is one State party, it has submitted separate reports for each of the three autonomous entities within the State party. The Committee, therefore, reiterates its request that the State party submit a comprehensive third periodic report which includes information on all three regions in the State party.

B. Positive aspects

319. The Committee notes with appreciation the efforts to improve coordination of policy through, inter alia, the establishment of a Youth Commissioner in the Netherlands in 2004.

320. The Committee welcomes the efforts to improve the participation of youth in policy-making through, inter alia, the establishment of a National Youth Council and a Youth Parliament in Aruba in 2003.

321. The Committee welcomes legislative reform aimed at improving implementation of the Convention, in particular:

- (a) Amendments to criminal law provisions on sexual offences in Aruba in 2003;
- (b) The adoption of the Work and Care Act in 2001;
- (c) The entry into force of the Disablement Assistance (Young Persons) Act in 1998.

322. The Committee also notes with appreciation that the State party has met the United Nations target of allocating at least 0.7 per cent of gross national income to official development assistance.

* For practical purposes only, hereinafter the European part of the Kingdom of the Netherlands will be referred to solely as the Netherlands.

C. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

323. The Committee notes with satisfaction that various concerns and recommendations (see CRC/C/15/Add.114 of 26 October 1996) made upon the consideration of the State party's initial report on the Netherlands (CRC/C/51/Add.1) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, the establishment of an independent mechanism to monitor children's rights such as an ombudsman for children (para. 12), alternative care and the need for alternatives to residential institutions for children deprived of a family (para. 16), female genital mutilation (para. 18) and human rights education (para. 21), have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

324. The Committee urges the State party to make every effort to address those recommendations in the concluding observations on the initial report that have not yet been implemented and to address the ones contained in the present concluding observations with respect to the Kingdom of the Netherlands.

Reservations

325. The Committee is concerned about the reservations to articles 26, 37 and 40 entered by the State party on its accession to the Convention.

326. In light of the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights in 1993, the Committee recommends that the State party withdraw its reservations to the Convention.

Legislation

327. As noted in paragraph 6 above, the Committee welcomes the legislative reforms aimed at improving conformity with the Convention. However, the Committee is concerned that some domestic legislation in the Netherlands and in Aruba does not yet fully conform with the principles and provisions of the Convention, inter alia, with regard to education in minority languages and juvenile justice as well as compulsory education in Aruba.

328. The Committee recommends that the State party take all necessary measures to ensure that its domestic legislation in the Netherlands and in Aruba conforms fully with the principles and provisions of the Convention, in particular with regard to education in minority languages, juvenile justice as well as compulsory education in Aruba.

Coordination

329. While recognizing efforts to improve policy coordination, the Committee is concerned about coordination between ministries and between the national and local authorities.

330. **With respect to the Netherlands, the Committee recommends that the State party ensure that the Youth Commissioner facilitate coordination between ministries and also the federal and local authorities, and that the Commissioner is allocated sufficient financial and human resources to fulfil his mandate. The Committee further recommends that the State party evaluate the effectiveness of the Youth Commissioner with a view to establishing a permanent mechanism to coordinate the implementation of the Convention.**

331. **With respect to Aruba, the Committee recommends that the State party ensure that the National Committee on the Rights of the Child is allocated sufficient financial and human resources to carry out its mandate effectively.**

National Plan of Action

332. The Committee regrets the lack of a comprehensive national plan of action for children in the State party.

333. **The Committee recommends that in the Netherlands, the State party expedite the elaboration and adoption of the current plan of action to implement the outcome document of the General Assembly special session on children held in May 2002, entitled “A World Fit for Children”, and ensure that the plan of action takes into account all aspects of the Convention.**

334. **In Aruba, the Committee recommends that the State party review its Youth Policy Programme 2001-2005 with a view to expanding it so as to include all areas of the Convention for all persons under the age of 18.**

Independent monitoring

335. The Committee welcomes the information provided by the delegation that a draft bill on the establishment of an ombudsman for children has been presented to Parliament in the Netherlands by a member of that Parliament. The Committee furthermore notes the conclusion of a study in 2002, commissioned by the Government of the Netherlands, which is in favour of the establishment of an ombudsman for children. The Committee regrets that no follow-up has been given to this study, and therefore reiterates its previous concern about the absence of an independent mechanism with a mandate to, inter alia, regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints about human rights violations in the Netherlands and Aruba.

336. **In light of its previous recommendations and the conclusion of the aforementioned study in 2002, the Committee urges the State party to take the necessary measures for the establishment of an ombudsman for children in accordance with the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child and 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) in both the Netherlands and Aruba. In light of the different institutional settings in the Netherlands and Aruba, the Committee suggests that the State party establish an independent and effective mechanism in the Netherlands and Aruba respectively. These ombudsmen for children should 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. They should also be provided with adequate human and financial resources and be easily accessible to children.

Resources for children

337. While noting that budget allocations for children are relatively significant, the Committee is concerned that in recent years, the financial resources allocated to education, child protection, the prevention of child abuse have declined, and that in the Netherlands, funding of legal assistance for children and the work of youth organizations have been significantly reduced, thus jeopardizing the continuity of services.

338. **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 ensure 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”.**

Data collection

339. While welcoming the statistical data supplied in the State party’s written replies to the list of issues (CRC/C/RESP/48), the Committee regrets the absence of information on the system of data collection. In addition, the Committee is concerned that in the Netherlands the statistics appear to be disaggregated by age groups to 25 years, which causes difficulties in determining the situation of children under the age of 18.

340. **The Committee recommends that the State party develop a system of data collection which is compatible with the Convention and collect data disaggregated by sex, age and other relevant indicators. Such a system should cover all persons under the age of 18 and pay particular attention to vulnerable groups, such as children deprived of a family environment, victims of abuse, sexual exploitation and trafficking and children in conflict with the law. Furthermore, the data should be used in the development of programmes and policies for the implementation of the Convention.**

Cooperation with civil society

341. The Committee notes with satisfaction the cooperation between the State party and non-governmental organizations (NGOs) in the drafting of the report and the State party’s financial support to NGOs drafting an alternative report which was submitted to the Committee. Nevertheless, the Committee is of the opinion that cooperation with civil society could be further strengthened and systematized.

342. **The Committee recommends that the State party consistently seek cooperation with civil society in implementing the Convention, including in the area of policy-making.**

Dissemination and training

343. The Committee notes with satisfaction the State party's efforts to make the provisions and principles of the Convention widely known; however, it considers that these efforts are insufficient.

344. **The Committee recommends that the State party pursue its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party to undertake a systematic education and training programme on the principles and provisions of the Convention for children, parents and all professional groups working for and with children, including judges, lawyers, law enforcement officials, teachers, health-care personnel and social workers.**

2. General principles

Non-discrimination

345. The Committee notes the significant efforts made by the State party to address racial discrimination, which have also been recognized in detail by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/304/Add.104) on the thirteenth and fourteenth periodic reports of the Netherlands. However, the Committee is concerned that societal prejudices and discrimination persist in society, in particular, against children of ethnic minorities and refugee and asylum-seeking children, and that in some localities and schools in the Netherlands there is de facto segregation between ethnically Dutch families and families of foreign origin. In Aruba, the Committee is concerned about discrimination against children of migrant families, in particular, in accessing services and the fact that disability is not considered a ground for discrimination as defined by the Constitution.

346. **The Committee recommends that the State party 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. The Committee requests the State party to pay particular attention to eliminating negative stereotype of refugee and asylum-seeking children in the Netherlands and to address the root causes of de facto segregation in schools and localities. It further recommends that the State party ensure that children of migrant families in Aruba have equal access to education, health and other services and that there is legislation to protect children with disabilities against discrimination.**

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

Right to life, survival and development

348. The Committee notes the information that euthanasia remains a crime under article 293 of the Penal Code, but which is not prosecuted if committed by a medical doctor who meets the criteria explicitly set out in article 293 (2) of the Penal Code and follows the procedures required by law and regulations. As this legislation is also applicable to children aged 12 years or older, requiring explicit and repeated requests from the child, and parental consent if the child is younger than 16 years, the Committee is concerned about the monitoring of such requests because controls are exercised after the request has been fulfilled and because some cases are not reported by doctors. The Committee is concerned about information that medical personnel have terminated the life of newborn infants with severe abnormalities.

349. **With respect to the Human Rights Committee's recommendations in this regard (CCPR/CO/72/NET, para. 5), the Committee recommends that the State party:**

(a) Frequently evaluate, and if necessary revise, the regulations and procedures in the Netherlands with respect to the termination of life on request in order to ensure that children, including newborn infants with severe abnormalities, enjoy special protection and that the regulations and procedures are in conformity with article 6 of the Convention;

(b) Take all necessary measures to strengthen control of the practice of euthanasia and prevent non-reporting, and to ensure that the mental and psychological status of the child and parents or guardians requesting termination of life are taken into consideration when determining whether to grant the request;

(c) Provide in its next periodic report additional information on the implementation of laws and regulations on the termination of life on request.

Respect for the views of the child

350. The Committee welcomes the establishment of a National Youth Council both in the Netherlands and Aruba, and the financial support given to those Councils by the State party. The Committee also notes with satisfaction the survey entitled "Join the discussion about your rights" of young people aged 12-18 in the Netherlands in 2002, which illustrated significant awareness of their rights and allowed youth to express concerns about their rights. However, the Committee is concerned that, in the Netherlands, organizations made up of young people of foreign origin have not fully enjoyed their right to express their views freely and to have them taken into account.

351. **The Committee recommends that the State party, in the Netherlands, strengthen its support of the National Youth Council and youth organizations, and intensify its support of organizations made up of young people of foreign origin and integrate them into networks of dialogue and participation. The Committee also recommends that the State party continue its support of the National Youth Council in Aruba, and urges the State party to support a survey of youth about their rights in Aruba, such as the one undertaken in the Netherlands.**

3. Civil rights and freedoms

Birth registration

352. The Committee shares the State party's concern that a significant number of births are not registered in Aruba.

353. **The Committee recommends that the State party strengthen efforts in Aruba to ensure that the births of all children are registered, including those of undocumented migrants. In this regard, the Committee suggests that the State party explore cooperation between the regions of Aruba and the Netherlands Antilles and possibly other countries in the region.**

4. Family environment and alternative care

Parental responsibilities

354. The Committee is concerned about the reduction of funding for childcare institutions, facilities and services, including day care, in the State party, which has resulted in waiting lists and a fragmentation of services aimed at assisting parents in their child-rearing responsibilities.

355. **In light of article 18, the Committee recommends that the State party evaluate services available to parents to assist them in their child-rearing responsibilities in order to determine the cause of waiting lists in the Netherlands and assess the quality of services provided. The Committee further recommends that throughout the Kingdom, the State party increase the funding and availability of quality childcare facilities and services, support parental education programmes, in particular for parents of disadvantaged and vulnerable children and adolescents, and ensure that all children and adolescents of working parents have the right to benefit from these services and facilities.**

Alternative care

356. The Committee shares the State party's concern that alternative care mechanisms and institutions are insufficient to respond to the number of children requiring such care in Aruba, and reiterates its concern regarding the lack of alternatives to residential care for children deprived of a family environment in the Netherlands.

357. **The Committee recommends that the State party expand alternative care in all parts of the Kingdom through, inter alia, increasing the support services and financial assistance for foster care families, as well as the number of staff working in residential institutions in Aruba so as to ensure that children receive full-time care, including on weekends.**

Violence, abuse and neglect

358. The Committee notes with satisfaction that, in the Netherlands, the Youth Care Act, which aims to improve the effectiveness of child protection services and includes the obligation for medical personnel to report suspected cases of child abuse, has been passed by the lower house of Parliament and is awaiting the approval of the Senate. However, the Committee is

concerned that in the Netherlands waiting lists for services for victims of abuse remain, and that insufficient financial resources are allocated for the prevention of abuse and recovery and counselling services. Furthermore, the Committee shares the State party's concern that there is no clearly defined policy on preventing child abuse and neglect and providing assistance to victims in Aruba and that services in this area are insufficient. The Committee is also concerned that there is no legal prohibition on corporal punishment in the family.

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

(a) Ensure that there is a clearly defined policy on child abuse and neglect, which includes prevention, reporting and assistance to victims and is supported with adequate financial and human resources, in both the Netherlands and Aruba;

(b) Ensure that, in the Netherlands, the Youth Act conforms with the provisions and principles of the Convention and expedite its entry into force;

(c) Enact the 1993 Aruban Government Decree on the establishment of a medical examiner's office which registers cases of child abuse and neglect and coordinates investigation and treatment of victims in a child-sensitive manner;

(d) Explicitly prohibit corporal punishment in law throughout the State party and 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.

5. Basic health and welfare

Children with disabilities

360. The Committee welcomes the continuing efforts to integrate children with disabilities into the mainstream education system, in particular in the Netherlands. However, it is concerned that children with disabilities in the Netherlands spend a significant amount of time waiting to access services and programmes. In addition, the Committee is concerned that in Aruba, children with disabilities are not fully integrated into society.

361. **In keeping with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993), the Committee recommends that the State party strengthen its efforts to integrate children with disabilities into mainstream education and everyday life by:**

(a) Taking all necessary measures to eliminate waiting lists for services and programmes for children with disabilities in the Netherlands;

(b) Expanding education possibilities for children with disabilities in Aruba, including those with learning disabilities, at the secondary school level;

(c) Improving the physical accessibility of mainstream schools, leisure and recreational facilities, and other public buildings and spaces in Aruba;

(d) Undertaking awareness-raising campaigns to address prejudicial attitudes to children with disabilities, and promoting their full integration into society.

Health and health services

362. The Committee welcomes the low infant and child mortality rates in all parts of the State party, but is concerned about the relatively low vaccination rates among some religious groups. The Committee is also concerned that HIV/AIDS infection rates for mothers and children are on the rise.

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

(a) Take all necessary measures, in cooperation with parents and religious leaders, to ensure universal vaccination of children;

(b) Take all necessary measures to reduce mother-to-child transmission of HIV/AIDS, including but not limited to the use of antiretroviral drugs for pregnant mothers who are HIV-positive.

Adolescent health

364. The Committee is concerned at the lack of sufficient mental health services for adolescents in the State party, and the prevalence of drug and alcohol abuse. It is also concerned that teenage pregnancies and sexually transmitted infections are on the rise in the Netherlands, and that in Aruba there are limited services for teenage mothers, who are sometimes excluded from schools.

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

(a) Take all necessary financial and administrative measures to ensure adequate availability of mental health services for adolescents;

(b) Take all necessary measures to prevent drug and alcohol abuse, including education campaigns, and ensure that there are sufficient rehabilitation services specifically for children and adolescents;

(c) Strengthen programmes on sex education, including in schools, and reproductive health counselling for adolescents and take effective measures to prevent early pregnancy;

(d) Provide teenage mothers in Aruba with the appropriate assistance and ensure that they can finish their education.

6. Education, leisure and cultural activities

366. The Committee notes the information provided by the delegation that efforts will be strengthened in the Netherlands and Aruba to prevent and assist school dropouts and the

intention to expand bilingual education (Papiementu and Dutch) to secondary schools in Aruba. However, the Committee is concerned that primary education is not compulsory in Aruba and that early childhood education is not universally available throughout the State party.

367. The Committee recommends that the State party:

- (a) Expedite efforts to address non-attendance and the dropping out of school;**
- (b) Ensure that affordable and quality early childhood education is available for all children;**
- (c) In Aruba, expedite the adoption of the National Ordinance on Compulsory Education and ensure that it is enforced, including for children of undocumented migrants;**
- (d) In Aruba, ensure that sufficient teaching materials are available in Papiementu for primary and secondary students;**
- (e) Include human rights education in the curriculum in both the Netherlands and Aruba.**

7. Special protection measures

Refugee and asylum-seeking children

368. The Committee is concerned that in the Netherlands the definition of an unaccompanied minor seeking asylum does not conform to international standards and may make access to basic services more difficult for the child while in the country. It is also concerned that the determination and rejection of a significant and increasing proportion of applications for refugee status through the 48-hour accelerated procedure are not in keeping with article 22 of the Convention and international standards. Finally, the Committee is concerned that children whose applications for refugee status have been rejected are detained in closed camps with limited possibilities for education and leisure activities. Finally, the Committee is concerned about the lack of formal asylum and protection procedures in Aruba and the current practices with respect to the detention and deportation of illegal migrants.

369. The Committee recommends that the State party in the Netherlands:

- (a) Review the Aliens Act of 2001 and its application to ensure full conformity with international standards applicable to refugees and with the Convention;**
- (b) Change the definition in the Act of unaccompanied minors seeking asylum so as to bring it into line with international standards;**
- (c) Ensure that the determination of refugee status of minors conforms to international standards, and consequently reconsider the 48-hour accelerated procedure;**

(d) Ensure that the detention of children whose applications for refugee status have been rejected is used only as a measure of last resort, and that all children awaiting expulsion receive adequate education and housing.

370. **The Committee recommends that in Aruba the State party, in cooperation with the Office of the United Nations High Commissioner for Refugees, establish a formal system of asylum and refugee protection procedures that conform to the Convention and applicable international standards.**

Sexual exploitation and trafficking

371. The Committee welcomes the State party's efforts in the Netherlands to address the sexual exploitation of children, in particular, through training of the police. However, it is concerned that the "complaint requirement" by victims over the age of 12 and the "double criminality" requirement hamper the prosecution of cases of child sexual abuse committed in the Netherlands and abroad. In Aruba, the Committee is concerned that children are vulnerable to trafficking for the purposes of drug trafficking or sexual exploitation, including through tourism.

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

(a) Develop a National Plan of Action against Commercial Sexual Exploitation for both the Netherlands and Aruba, as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children (1996 and 2001), and strengthen regional cooperation in this regard;

(b) In the Netherlands, amend legislation to eliminate the complaint requirement and double criminality requirement for the prosecution of sexual offences against children;

(c) Strengthen the capacity of the police in the Netherlands and Aruba to receive and investigate complaints of trafficking and sexual exploitation in a child-sensitive manner, inter alia, by increasing human and financial resources and, where necessary, providing appropriate training;

(d) Ensure that all victims of trafficking and prostitution in the State party have access to appropriate recovery and reintegration programmes and services;

(e) Undertake an in-depth study of trafficking and sexual exploitation of children in Aruba, including the possible existence of sex tourism.

Juvenile justice

373. The Committee is concerned that in the State party:

(a) Children in conflict with the law between the ages of 16 and 18 may be sentenced as adults;

(b) An increasing proportion of children in conflict with the law in the Netherlands are being sentenced to detention;

(c) Juvenile offenders, in the Netherlands, are sometimes detained with children institutionalized for behavioural problems;

(d) There are limited alternatives to detention available in Aruba.

374. The Committee recommends that the State party:

(a) Ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 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), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice throughout the State party and for all persons under the age of 18;

(b) Amend legislation in the Netherlands and Aruba so that life imprisonment cannot be imposed on anyone between the age of 16 and 18 and fix a maximum limit for their detention;

(c) Ensure that the detention of juvenile offenders is used only as a measure of last resort;

(d) Avoid detention of juvenile offenders with children institutionalized for behavioural problems;

(e) In Aruba, expedite efforts to create more alternatives to detention for children in conflict with the law.

8. Optional Protocols to the Convention

375. The Committee notes that the State party signed 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 on 7 September 2000. However, the Committee is concerned that the Optional Protocols have not yet been ratified.

376. The Committee recommends that the State party expedite the ratification of 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.

9. Dissemination of documents

377. **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.**

10. Next report

378. **The Committee expects to receive the third periodic report from the State party, which should include information from all three autonomous entities of the Kingdom of the Netherlands and which should not exceed 120 pages (see CRC/C/118), by 6 March 2007, date on which the report is due.**

Concluding observations: India

379. The Committee considered the second periodic report of India (CRC/C/93/Add.5) at its 932nd and 933rd meetings (see CRC/C/SR.932 and 933) held on 21 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

380. The Committee welcomes the submission of the State's party second periodic report, which followed the established guidelines. The Committee also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/IND/2), which allowed for a clearer understanding of the situation of children in the State party. The Committee acknowledges that the presence of a high-level 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

381. **The Committee welcomes the many activities undertaken at the federal and State level for the implementation of the Convention, inter alia:**

(a) The adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education to all children 6-14 years old;

(b) The adoption of the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(c) The launch of a national programme for the formation of women's self-help groups, which have an important impact on children's rights;

(d) The extension of primary school access;

(e) A more comprehensive collection of data, which has demonstrated that some progress has been achieved with regard to more equal participation and education of girls and children from underprivileged social groups; and

(f) The establishment of free telephone "childlines".

C. Factors and difficulties impeding the implementation of the Convention

382. The Committee acknowledges that the very large population and the high rate of growth are major impediments to the implementation of the Convention. In addition, extreme poverty, massive social inequality and the persistence of deeply discriminatory attitudes, as well as the impact of natural disasters represent serious difficulties in the fulfilment of all of the State party's obligations under the Convention.

D. Principal subject of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

383. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.115) after its consideration of the State party's initial report (CRC/C/28/Add.10) have not been sufficiently addressed, inter alia those contained in paragraphs 13 (implementation of legislation); 15 (coordination); 17 and 19 (monitoring); 29, 31, and 33 (non-discrimination); 37 (birth registration); 39-41 (torture); 45 (violence); 47 (children with disabilities); 49 and 51 (basic health); 53 and 55 (standard of living); 57-60 (education); 64 (armed conflict); 66-71 (child labour); and 80-82 (administration of juvenile justice).

384. The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.

Declaration to article 32

385. In light of the State party's numerous measures to implement progressively article 32 of the Convention, the Committee has serious doubts as to the need for this declaration.

386. In line with its previous recommendations (CRC/C/15/ADD.115, para. 66), and in light of the Vienna Declaration and Programme of Action, the Committee urges the State party to withdraw the declaration made to article 32 of the Convention.

Legislation

387. The Committee welcomes the fact that the Convention can be invoked before the courts and that the Supreme Court has adopted various decisions based on the Convention; however, the Committee remains concerned that domestic legislation, and in particular religious and personal laws which govern family matters, are not yet fully in conformity with the provisions and principles of the Convention.

388. In light of its previous recommendations (ibid., para. 11), the Committee recommends that the State party:

(a) Scrutinize carefully existing legislative and other measures, including religious and personal laws, both at the federal and state levels, with a view to ensuring that the provisions and principles of the Convention are implemented throughout the State party;

(b) Ensure the implementation of its legislation and its wide dissemination.

Resources

389. While noting the efforts undertaken to increase the budget allocation for some social services, the Committee is concerned at the slow increase of the budget allocations for education and at the stagnation, or even the decrease of funds allocated to other social services.

390. **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 to the "maximum extent ... of available resources" and, in this context, to ensure the provision, including through international cooperation, of appropriate human resources and to guarantee that the implementation of policies relating to social services provided to children remain a priority; and

(b) Develop ways to assess the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard.

Coordination

391. The Committee notes that the Department of Women and Child Development is the body responsible for the coordination of all activities regarding the implementation of the Convention on the Rights of the Child and that a national coordinating mechanism was constituted in January 2000, but only met once, in September 2000. The Committee is, however, of the view that greater coordination is still required among the different bodies responsible for the implementation of the Convention at the federal and state levels and between the federal Government and the states.

392. **The Committee recommends that the State party strengthen its national mechanism to coordinate the effective implementation of the Convention at the federal level, between the federal and the state levels and between states, with a view to, inter alia, improving the efficiency of the implementation process and decreasing or eliminating any possibility of discrimination as a result of that process.**

National Plan of Action/National Charter for Children

393. The Committee notes the existence of the 1974 National Policy for Children as well as the 1992 National Plan of Action for Children and notes the current discussions regarding the National Charter for Children to replace the Policy, as well as the drafting of a new Plan of Action for Children. The Committee is nevertheless concerned that the National Charter for Children does not adopt a child-rights-based approach and does not explicitly include all rights and principles of the Convention.

394. **The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a new Plan of Action for Children that covers all areas of the Convention, includes the Millennium Development Goals, and fully reflects “A world fit for children”; to allocate the necessary human and financial resources for its full implementation; and provide for a coordination and monitoring mechanism. In addition, the Committee recommends that the State party expedite the adoption of the National Charter for Children and make sure that the Charter adopts a child-rights-based approach and covers all the rights and principles of the Convention.**

Independent monitoring structures

395. The Committee notes the existence of the National Human Rights Commission and welcomes the introduction of the National Commission for Children Bill, 2003 in Parliament on 10 December 2003.

396. **In light of its previous recommendations (ibid., para. 19), the Committee recommends that the State party expedite, as much as possible, the establishment of an independent national commission for children in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) and 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 federal and at the state levels.**

Cooperation with NGOs

397. The Committee notes the cooperation with NGOs in the area of service delivery and their involvement in the preparation of various programmes relevant to the Convention, but is concerned that this cooperation is not systematic and that there is a lack of supervision of NGOs’ activities.

398. **The Committee emphasizes the important role of NGOs as partners in implementing the provisions of the Convention and, in line with its previous recommendations (ibid., para. 23) recommends that the State party involve them in a more systematic and coordinated manner in all stages of the Convention’s implementation, including policy formulation, at the national, state and local levels, and in the drafting of future periodic reports. It also recommends that the State party take into account the recommendations arising from the day of general discussion held in 2002 on the theme “The private sector as service providers and its role in implementing child rights” (CRC/C/121, para. 630) and improve its supervision of private organizations delivering services by, inter alia, improving the system of registration and authorization of service providers.**

Data collection

399. The Committee notes with appreciation the efforts undertaken to improve data collection, notably through the new system to collect data regarding budget allocations and trends relating to schemes and programmes addressing all issues concerning children. However, the Committee remains concerned at the insufficient data for some areas covered by the Convention.

400. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available. This system should cover all children up to the age of 18 with specific emphasis on those who are 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 UNICEF, UNDP and UNFPA, among others.**

Training and dissemination

401. The Committee welcomes the dissemination of its previous concluding observations and the various awareness-raising campaigns, but remains concerned that children and the public at large, as well as all groups of professionals working with and for children, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

402. **In line with its previous recommendations (ibid., para. 25), the Committee recommends that the State party:**

(a) **Strengthen its efforts to disseminate the principles and provisions of the Convention, and make those efforts systematic, in order to sensitize society about children's rights through social mobilization;**

(b) **Systematically involve parliamentarians and community and religious leaders in its programmes to eradicate customs and traditions that impede the implementation of the Convention, and adopt creative measures of communications for illiterate people and for people in remote areas;**

(c) **Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;**

(d) **Further promote human rights education, including the rights of the child, in primary and secondary school curricula as well as in the curricula for teacher training;**

(e) **Seek technical assistance from, among others, OHCHR, UNESCO and UNICEF.**

2. General principles

The right to non-discrimination

403. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.

404. **The Committee recommends that concerted efforts at all levels be taken to address social inequalities by reviewing and reorienting policies, including increasing budgetary allocations for programmes targeting the most vulnerable groups, and that technical assistance be sought from, among others, UNICEF.**

405. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, inter alia, by the many violations of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.

406. **The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, inter alia, religious leaders.**

407. The Committee welcomes the National Plan of Action for the Girl Child and the Platform for Action, but is deeply concerned at the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including low school enrolment and high dropout rates, early and forced marriages, and religion-based personal status laws that perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

408. **The Committee urges the State party to take all necessary measures for the implementation of the National Plan of Action for the Girl Child and encourages the enforcement of protective laws. The Committee also encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and**

combat gender discrimination, particularly within the family. Political, religious and community leaders should be mobilized to support efforts to eradicate harmful traditional practices and attitudes which still discriminate against girls.

409. While welcoming the special temporary programmes and other activities to improve the enjoyment of rights by girls and vulnerable groups such as children belonging to Scheduled Castes and Tribes, the Committee expresses its concern at the possibility that other children in situations similar to that of those groups are not receiving the same benefits.

410. **The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child's needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.**

411. The Committee notes the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, but remains deeply concerned that the sex ratio in the age group 0-6 years has worsened over the past decade.

412. **In addition to its recommendations regarding gender discrimination (para. 30), the Committee strongly recommends that the State party:**

(a) **Take all necessary steps to ensure the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;**

(b) **Further develop massive awareness campaigns, involving parents, communities, law enforcement officers, etc., and take the necessary measures, including imposing sanctions to end the practice of selective abortions and female infanticide; and**

(c) **Undertake gender impact studies when planning programmes relating to economic and social policies.**

413. **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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Respect for the views of the child

414. The Committee welcomes initiatives to increase child participation by the establishment of children's councils, associations and projects in several states and districts, but remains concerned that traditional attitudes towards children in society, especially girls, still limit the respect for their views within the family, at school, in institutions and at the community

government level. The Committee further notes with regret that there are virtually no legal provisions guaranteeing children's participation in civil proceedings affecting their rights and well-being.

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

(a) Promote, within the family, the schools, institutions, as well as in judicial and administrative proceedings, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large on the right of children to have their views taken into account and to participate in all matters affecting them; and

(c) Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

3. Civil rights and freedoms

Birth registration

416. The Committee welcomes the intention to review the birth registration system in the State party (CRC/C/93/Add.5, para. 281) but remains seriously concerned that about 46 per cent of children are not registered at birth.

417. **In line with its previous recommendation (CRC/C/15/Add.115, para. 37), the Committee recommends that the State party make greater efforts to ensure the timely registration of all births by the year 2010 as planned (CRC/C/93/Add.5, para. 284), and take training and awareness-raising measures as regards registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices and registration units in schools and health facilities, and recommends that the State party seek technical assistance from, among others, UNICEF and UNFPA.**

Right to nationality

418. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

419. **The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.**

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

420. The Committee is concerned at numerous reports of ill-treatment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children by law enforcement officials.

421. **In line with its previous recommendations (CRC/C/15/Add.115, paras. 39-41), the Committee recommends that the State party:**

(a) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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

(c) Investigate and prosecute complaints in a child-sensitive manner;

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

(e) 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.

Corporal punishment

422. The Committee notes the decision of the New Delhi High Court of December 2000 regarding prohibition of corporal punishment in the schools under its jurisdiction, but remains concerned that corporal punishment is not prohibited in the schools of other states, in the family, nor in other institutions for children, and remains acceptable in the society.

423. **The Committee strongly recommends that the State party prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers and other professionals working with and/or for children on alternative ways of disciplining children.**

4. Family environment and alternative care

Parental responsibility

424. While noting the judgement of the Supreme Court that the mother was as much the child's natural guardian as the father (*Githa Hariharan v. Bank of India*, 18 February 1999), the Committee expresses its concern that under the law, the father still has the main responsibility with regard to the child.

425. **In line with article 18 of the Convention, the Committee recommends that the State party take all necessary measures to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child.**

Adoption

426. The Committee welcomes the recent ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the emphasis put on

domestic adoption, but reiterates its concern at the absence of uniform adoption law and procedures in the State party and of effective measures to monitor respect for the rights of the children concerned and to follow up adoptions within the State party and abroad. The Committee is further concerned at the lack of registration and control of adoptions carried out by non-accredited agencies.

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

(a) Review the legal framework for domestic adoption and take all necessary measures, including the adoption of new guidelines by the central authority, to implement the newly ratified 1993 Hague Convention;

(b) Extend to the whole territory the application of the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act 2000; and

(c) Ensure that adoption is possible for children of all religions, in accordance with the strict regulations reflected in article 21 of the Convention.

Violence, abuse, neglect and maltreatment

428. The Committee is concerned at the high prevalence of violence, abuse, including sexual abuse, and neglect of children within the State party, and at the lack of effective measures to combat this problem. The Committee is further concerned at outdated laws concerning sexual abuse.

429. **In light of article 19 of the Convention and in line with its previous recommendations (ibid., para. 45), the Committee recommends that the State party:**

(a) Adopt new legislative measures and amend outdated legislation to prohibit all forms of physical and mental violence, including sexual abuse of children in the family, in schools and in institutions;

(b) Carry out public education campaigns and any other appropriate measures concerning the negative consequences of ill-treatment of children;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(d) 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;

(e) Provide facilities for the care, recovery and reintegration of victims;

(f) 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, using a multidisciplinary and multisectoral approach; and

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

5. Basic health and welfare

430. The Committee notes the numerous national plans and programmes initiated during the 9th and 10th five-year plans to address health issues. Nevertheless, it remains seriously concerned at the unavailability and/or inaccessibility of free, high quality primary health care; the slow decline in infant mortality; the worsening maternal mortality rates, due in part to the high increase of unattended home deliveries; the low immunization rate; the high incidence of low-birth-weight babies; the high number of children with stunting, wasting, or who are underweight; the prevalence of micronutrient deficiencies; and the low rate of exclusive breastfeeding and appropriate introduction of infant diet. The Committee further expresses its concern at the environmental pollution prevalent in some states, specifically arsenic and lead pollution, and at the lack of access to safe drinking water and adequate sanitation by a large percentage of the population. Finally, the Committee expresses its concern at the practice of traditional and modern medicine by untrained and unqualified personnel.

431. **The Committee recommends that the State party reinforce its efforts in developing effective policies and programmes to improve the health situation of children. It also recommends that the State party ensure access for all children to primary, free and quality health services; regulate and monitor traditional and modern medicinal practice; combat malnutrition; promote healthy nutrition habits, including breastfeeding; improve immunization rates; increase access to safe drinking water and adequate sanitation; and address the issue of environmental pollution effectively. Additionally, the Committee encourages the State party to pursue additional avenues of cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.**

HIV/AIDS

432. The Committee welcomes the adoption of the National AIDS Prevention and Control Policy, 2001, aiming at achieving no new infections by 2007. It also welcomes the decision to provide antiretroviral drugs to children and adults free of charge, but remains concerned at the rising number of children infected and/or affected by HIV/AIDS. It further expresses its concern at the discrimination experienced by these children in society and in the educational system.

433. **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) Strengthen its measures to prevent mother-to-child transmission, inter alia by combining and coordinating them with the activities to reduce maternal mortality, and take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;

(c) Strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly those belonging to vulnerable groups, and among the population at large, notably in order to reduce discrimination against children infected and/or affected by HIV/AIDS;

(d) Seek further technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS.

Children with disabilities

434. The Committee notes the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and that the 2001 census took into account disability, but remains concerned at the lack of statistical data and of a comprehensive policy for disabled children, and at 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 teachers trained 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.

435. **In line with its previous recommendations (ibid., para. 47) and in light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (see 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.**

Harmful traditional practices

436. The Committee is deeply concerned at the existence of harmful traditional practices such as incidents relating to dowries and to devadasis.

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

(a) Enforce the Dowry Prohibition Act, 1961 and the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 and Rules, 1982;

(b) Take legislative and awareness-raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls; and

(c) Reinforce its sensitization programmes, with the involvement of community leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas.

438. The Committee is concerned at the very high percentage of early and forced marriages of girls, which can have a negative impact on their health, education and social development.

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

(a) Take all necessary steps to implement the Child Marriage Restraint Act 1929;

(b) Strengthen educational and awareness programmes, in cooperation with NGOs and community leaders, with a view to preventing early and forced marriage; and

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

Adequate standard of living

440. In spite of the growth of the gross domestic product, the Committee is concerned about the widespread poverty in the State party and the still 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. The Committee is further concerned at the negative consequences of displacement and rehabilitation projects which intend to improve living conditions but which remove children from their habitat to a new environment often not prepared for children's needs.

441. **In accordance with article 27 of the Convention, the Committee recommends that the State reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In light of its previous recommendations (ibid., para. 53), the Committee further recommends that the State party prevent any occurrence of forced relocation, displacement and other types of involuntary population movements.**

6. Education, leisure and cultural activities

442. The Committee welcomes the adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education for all children aged 6-14, the continued efforts of the State party to increase girls' enrolment in school and the Midday Meal Scheme. While noting an increased enrolment rate, the Committee is seriously concerned

that 60 million children do not attend primary school. The Committee is further concerned at the high, although decreasing, level of illiteracy and the striking disparities in terms of access to education, attendance at primary and secondary school and dropout rates between boys and girls. The Committee is also concerned that striking disparities regarding these rates also exist between different states, between rural and urban areas, and between the affluent and the poor and disadvantaged groups. The Committee is further concerned at the insufficient number of trained teachers, schools and classrooms, and the lack of relevant learning material, which affect the quality of education.

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

(a) Improve the education system with a view to achieving the aims mentioned in article 29, paragraph 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;

(b) Strengthen its efforts to progressively ensure that that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities;

(c) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;

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

(e) Take the necessary measures to improve the quality of education and to ensure better efficiency in the management of education, including by decreasing the dropout rate;

(f) Hire more qualified teachers and provide them with more opportunities for training;

(g) Take all necessary measures to curb teachers' absenteeism;

(h) Build better infrastructure for schools; and

(i) Seek assistance from UNICEF and UNESCO.

7. Special protection measures

444. The Committee welcomes the establishment of toll-free "childlines" in about 50 different cities/districts with the support of the Government, in accordance with section 32 (1) (iii) of the Juvenile Justice (Care and Protection of Children) Act 2000 and with the strong and crucial involvement of NGOs, but is concerned at the slow pace of establishment of these "childlines" in all districts of the country. The Committee is further concerned that calls for help and support from children via these "childlines" do not always receive an adequate response owing to the lack of capacity of existing services.

445. **The Committee recommends that the State party provide the necessary human and financial support for the establishment and reinforcement of toll-free “childlines” in all districts of the State party and set as a target the date of the submission of its next report to the Committee. Furthermore, the Committee recommends that the State party take the necessary measures to support the existing services, in particular the NGOs, to respond adequately to the calls for help from children (or on their behalf) and, if necessary, for the establishment of new services.**

Armed conflicts

446. The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, has seriously affected children, especially their right to life, survival and development (article 6 of the Convention). The Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts.

447. **In light of articles 38 and 39 of the Convention, the Committee recommends that the State party ensure respect for human rights and humanitarian law aimed at the protection, care and physical and psychosocial rehabilitation of children affected by armed conflict, notably regarding any participation in hostilities by children. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims.**

Refugee children

448. The Committee welcomes the generous policy of the State party in hosting refugees and asylum-seekers, but remains concerned at the absence of legislation regarding these groups.

449. **In light of article 22 of the Convention, the Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the fields of physical safety, health, education and social welfare, and to facilitate family reunification.**

Economic exploitation, including child labour

450. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture. The Committee is further very concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

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

(a) Ensure the full implementation of the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour (System Abolition) Act, 1976 and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;

(b) Amend the Child Labour Act, 1986 so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children;

(c) Promote community-based programmes for the prevention of child labour;

(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;

(e) Strengthen its efforts to raise awareness of the public at large, especially parents and children, of work hazards and to involve and train employers, workers and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals; and

(f) Continue its collaboration with ILO/IPEC.

Sexual exploitation of children/trafficking in children

452. The Committee welcomes the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; the adoption of a plan of action to combat trafficking and commercial sexual exploitation of women and children; the initiative to undertake a study, inter alia, to collect data on the number of children and women who become victims of sexual exploitation and trafficking; and the Pilot Projects to Combat Trafficking of Children for Commercial Sexual Exploitation in Destination and Source Areas, but remains concerned that the Immoral Traffic Prevention Act, 1986 does not define trafficking and limits its scope to sexual exploitation. In addition, the Committee expresses its concern at the increasing number of child victims of sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

453. **In light of articles 34 and 35 and other related articles of the Convention, the Committee recommends that the State party:**

(a) Extend the scope of the Immoral Traffic Prevention Act to all forms of trafficking of children and ensure that all trafficked children are always treated as victims;

(b) Conduct a comprehensive study to assess the causes, nature and extent of trafficking and commercial sexual exploitation of children;

- (c) Provide sufficient human, financial and technical resources for the implementation of the National Plan of Action;**
- (d) Adopt multidisciplinary and multisectoral approaches and take measures to prevent and combat sexual exploitation and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;**
- (e) Ensure that perpetrators are brought to justice;**
- (f) Strengthen its policies to facilitate the reunification of child victims of trafficking with their families and provide adequate care and reintegration programmes for children who have been sexually exploited and/or trafficked, 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;**
- (g) 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**
- (h) Collaborate with non-governmental organizations working on these issues and seek technical assistance from, among others, UNICEF.**

Street children

454. The Committee welcomes the existence of the Integrated Programme for Street Children but remains concerned at the growing number of street children in the State party, due notably to the structural situation of the State party as well as to the lack of proactive policies and programmes of prevention and for the support of the family.

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

- (a) Strengthen and extend its Integrated Programme for Street Children to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;**
- (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, providing official documents when necessary;**
- (c) Ensure that these child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arrest and maltreatment by the police, and effective services for reconciliation with their families and community;**
- (d) Collaborate with non-governmental organizations working with street children in the State party and seek technical assistance from, among others, UNICEF.**

Administration of juvenile justice

456. The Committee notes the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 but remains concerned that no minimum age of criminal responsibility is fixed in the new Act and that the minimum age of 7 years found in the Penal Code is still in force. The Committee is further concerned that the Supreme Court has decided that the date of the commission of one offence is irrelevant for determining whether the alleged offender is a juvenile (CRC/C/93/Add.5, box 8.7). The Committee is further concerned that the mechanisms to enforce the Act have not been set up in most states and that the Act does not apply to the State of Jammu and Kashmir. In addition, the Committee expresses its concern at the fact that deprivation of liberty is not used only as a measure of last resort. Finally, the Committee is deeply concerned that the Prevention of Terrorism Act, 2002 allows for the prosecution of children by special courts and that the procedure used in these cases does not respect articles 37, 40 and 39 of the Convention.

457. **The Committee recommends that the State party take all appropriate measures to implement a juvenile justice system that is in conformity with the Convention, in particular articles 37, 40 and 39, 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.**

458. **In addition, the Committee recommends that the State party:**

(a) Amend the Juvenile Justice (Care and Protection of Children) Act, 2000 to set a minimum age of criminal responsibility that shall be higher than that fixed in the Penal Code and reflect internationally accepted norms, and consider this age as the age when the offence was committed;

(b) Extend the application of the Juvenile Justice (Care and Protection of Children) Act, 2000 to the State of Jammu and Kashmir;

(c) Amend the Prevention of Terrorism Act, 2002 so that it fully respects articles 37, 40 and 39 and other related provisions of the Convention when it is applied to children;

(d) Take all necessary steps to establish, as a measure of urgency, the executing state mechanisms necessary for the full implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000;

(e) Strengthen training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(f) Strengthen rehabilitation and reintegration programmes;

- (g) Use deprivation of liberty only as a measure of last resort; and**
- (h) Consider seeking technical assistance from, among others, OHCHR and UNICEF.**

Minorities/indigenous children

459. The Committee is concerned at the situation of children belonging to minorities, including to the Primitive Tribal Groups, and at their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

460. **In addition to its recommendation in paragraph 29, and in line with the recommendations made at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002).**

8. Optional Protocols

461. **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

462. **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the 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 non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.**

10. Periodicity of submission of reports

463. **In light of the recommendation on reporting periodicity adopted by the Committee and described in its sessional reports (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 Convention's implementation. The Committee recommends that the State party submit its next periodic report on 10 July 2008, 18 months before the due date established under the Convention for the fourth periodic report, which is 10 January 2010. This report will**

combine the third and fourth periodic reports. 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: Papua New Guinea

464. The Committee considered the initial report of Papua New Guinea (CRC/C/28/Add.20), submitted on 23 April 2002, at its 934th and 935th meetings (see CRC/C/SR.934 and 935), held on 22 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

465. The Committee welcomes the submission of the State party's frank and informative initial report, as well as the detailed written replies to its list of issues (CRC/C/Q/PNG/1), but regrets the late submission of the latter. The Committee further notes with appreciation the high-level delegation and welcomes the constructive dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

466. The Committee notes with appreciation the adoption of the Juvenile Courts Act in 2003 and the establishment of the first juvenile court in the nation's capital, Port Moresby.

467. The Committee welcomes the amendments to the Criminal Code and the Evidence Act in 2002 which entered into force in 2003 and which improved the legal framework of the protection of children against sexual abuse.

468. The Committee welcomes the adoption of a National Health Plan 2001-2010 and of specific policies such as the Village Health Volunteers (2000) and the Policy and Expanded Programme on Immunization (2003).

469. The Committee notes with appreciation the establishment of a National AIDS Council and the adoption of the HIV/AIDS Management and Prevention Act in 2003.

C. Factors and difficulties impeding the implementation of the Convention

470. The Committee acknowledges the challenges faced by the State party, namely, the internal armed conflict, the vulnerability to natural disasters and the geographical nature of the country, as well as the existence of more than 800 local languages in use.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

471. While noting that the State party has undertaken a legislative review programme and that the Child Rights Monitoring Committee (CRMC) has identified about 20 pieces of legislation that are not in compliance with the Convention on the Rights of Child, the Committee is concerned that the completion of this programme is not given the necessary priority.

472. The Committee recommends that the State party take all necessary time-bound measures to complete its legislative review programme and to ensure that its domestic and customary legislation conform fully with the principles and provisions of the Convention and that it is effectively implemented.

Coordination

473. The Committee welcomes the establishment of CRMC in 2000 with overall responsibility for conducting and monitoring the implementation of the Convention. Nevertheless, the Committee is concerned that CRMC is fully dependent on external funding and that it lacks a clear political mandate.

474. The Committee recommends that the State party provide CRMC with a clear political mandate, financial and human resources as well as technical expertise necessary for an effective and sustainable performance of its mandate.

National Plan of Action

475. Although the State party is developing various sectoral plans, e.g. in the area of education and health, the Committee is concerned at the lack of a comprehensive national strategy or plan of action for the implementation of the Convention.

476. The Committee urges the State party to develop a comprehensive national plan of action, which covers all areas of the Convention incorporating the objectives and goals of the outcome document entitled “A world fit for children” of the United Nations General Assembly special session on children. The Committee also recommends that the plan of action take into account the millennium development goals and the Poverty Reduction Strategy by decentralizing responsibilities to local levels and by setting up benchmarks for all levels of implementation. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children’s Fund (UNICEF) and involve civil society, including children, in the preparation and implementation of such national plan of action.

Independent monitoring

477. 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.

478. **The Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism, in accordance 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 the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child, that monitors the implementation of the Convention, deals with complaints from children in a child-sensitive and expeditious manner, makes it easily accessible to children and provides remedies for violations of their rights under the Convention. The Committee also recommends that the State party provide such a mechanism with adequate human and financial resources. In this regard, the Committee recommends that the State party consider seeking technical assistance, inter alia, from UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

Resources for children

479. The Committee is concerned that the recent reduction of budgets for, inter alia, health care and education seriously hampers the State party's compliance with the provisions of article 4 of the Convention in terms of budgetary allocations of resources for the implementation of the Convention.

480. **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 maximum extent of ... available resources and, where needed, within the framework of international cooperation" to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups.**

Data collection

481. While acknowledging the detailed data provided in the written replies to the list of issues in the area of health care and education, the Committee regrets the lack of comprehensive and up-to-date statistical data in the State party's report.

482. **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, among others, UNICEF in this regard.**

Training/dissemination of the Convention

483. While taking note of the efforts made by the State party to raise awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened. The Committee is also concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

484. **The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training on**

the rights of the child in the Convention for all professional groups working for and with children, in particular parliamentarians, the judiciary, law enforcement officials, civil servants, local leaders, personnel working in institutions and places of detention for children, teachers, health personnel, social workers, local leaders, as well as children and their parents.

Cooperation with non-governmental organizations (NGOs)

485. The Committee notes with appreciation the cooperation of the State party with NGOs in the provision of services and their involvement in the preparation of various programmes relating to the Convention. However, the Committee expresses its concern that this involvement may result in a diminished direct commitment on the part of the State party.

486. The Committee wishes to underscore that the State party has primary responsibility for the implementation of the Convention and recommends that the State party remain fully and directly involved in the implementation process while encouraging and supporting NGOs in their important function as partners.

2. Definition of the child

487. The Committee is concerned about the difference in the minimum legal age of marriage for girls (16 years) and boys (18 years). It is also concerned that despite these provisions marriages at age 14 and 15 years are permitted.

488. The Committee recommends that the State party raise the minimum legal age of marriage for girls to that of boys and take measures to prevent early marriages.

3. General principles

Non-discrimination

489. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and women and vulnerable groups of children, such as children with disabilities, children living in poverty, children born out of wedlock, adopted children and children of mixed parentage, and that the Constitution does not prohibit discrimination on the grounds of disability.

490. 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 to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, in particular against girls and all vulnerable groups.

491. 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 in 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education).

Best interests of the child

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

493. 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 be taken into account when administrative, policy, court 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 interests of the child.

Respect for the views of the child

494. The Committee notes with concern that children's views are not systematically sought and taken into consideration with regard to decisions that may affect them and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

495. The Committee recommends that the State party ensure that children's views are given due consideration, in accordance with article 12 of the Convention, in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation and a nationwide campaign to increase public awareness of the participatory rights of children.

4. Civil rights and freedoms

Birth registration

496. The Committee is concerned that the majority of parents in the State party are not aware of the importance of birth registration. It is also concerned at the lack of a comprehensive decentralized birth registration system and at the fact that parents have to pay fees to get a birth certificate for their children.

497. 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, including through awareness-raising campaigns, and to facilitate procedures of birth registration, notably by suppressing any fees and decentralizing the system. The Committee also recommends that the State party take measures to register those who were not registered at birth.

Violence

498. The Committee is concerned at the use of violence against children by the police and by personnel in institutions.

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

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

(b) **Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including the prosecution of perpetrators, and ensure that victims of abuse have access to assistance in recovery;**

(c) **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

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

Corporal punishment

500. The Committee is deeply concerned that corporal punishment of children is rather widespread in the State party and not prohibited by law.

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

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

(b) **Expressly prohibit corporal punishment by law in the family and other institutions.**

5. Family environment and alternative care

Parental responsibilities

502. The Committee notes with appreciation that the Constitution recognizes the obligation of both parents to support, assist and educate their children, yet it is concerned that domestic and customary laws do not generally reflect article 18 of the Convention.

503. **The Committee recommends that the State party develop and implement programmes to raise awareness of the importance of shared parental responsibilities, to provide the necessary support in the discharge of these responsibilities and to incorporate the constitutional provisions and the articles of the Convention on the Rights of the Child into customary and domestic law. The Committee also recommends that the State party undertake a comprehensive study on the impact of polygamy on the rights of the child.**

Adoption

504. The Committee is concerned at the high incidence of informal adoption which lacks the guarantees that the best interests of the child are taken into account and which may lead, inter alia, to the use of young informally adopted girls as domestic servants.

505. **The Committee recommends that the State party take all necessary measures to ensure that all existing practices of adoption comply with article 21 of the Convention, that both legal parents are required to give their consent for the adoption and that the children's views, where appropriate, and their best interests are taken into account. The Committee also recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Child neglect and abuse

506. The Committee is concerned that the problem of neglect and abuse, including sexual abuse, within the family and at school appears to be significant according, inter alia, to hospital records.

507. **The Committee recommends that the State party set up a comprehensive and nationwide response system with the aim of providing support and assistance to all victims of domestic violence, and ensure that they have access to counselling, redress and assistance with recovery and reintegration. The Committee also recommends that the State party ensure that there is an effective mechanism for receiving, monitoring, and investigating complaints, and seek technical assistance in this regard.**

6. Basic health and welfare

Children with disabilities

508. The Committee is concerned about the lack of adequate data indicating the extent, the main forms and causes of disability in the State party. It is also concerned that children with disabilities, in particular those in remote rural areas, have no access to social services, including rehabilitation and educational facilities.

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

(a) 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;

(b) Formulate a strategy that includes appropriate teacher training to ensure that all children with disabilities have access to education, and, wherever possible, are integrated into the mainstream education system 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).

Health and health services

510. While noting the encouraging downward trend in infant mortality rates and the improvement in vaccination coverage, the Committee is concerned at the high maternal mortality rate due in part to the high number of unattended deliveries, the inaccessible and unsatisfactory health-care facilities, the prevalence of malaria, the high incidence of malnutrition and micronutrient deficiencies among mothers and children, and the limited availability of safe drinking water and adequate sanitation.

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

(a) Strengthen its efforts to provide all communities with accessible and high-quality health-care facilities;

(b) Improve training efforts of local midwives, thereby promoting safe deliveries;

(c) Address the issue of malnutrition and micronutrient deficiencies through education and promotion of healthy feeding practices, including breastfeeding;

(d) Strengthen its efforts to prevent and treat malaria;

(e) Ensure safe drinking water and adequate sanitation to all.

Adolescent health

512. The Committee is concerned that insufficient attention has been given to adolescent health issues, including access to information and services related to adolescent health in general and reproductive health in particular. It is also concerned that adolescents remain extremely vulnerable to contracting sexually transmitted diseases, that girls are not protected from the risk of pregnancy and at the practice of clandestine abortions involving adolescent girls.

513. **The Committee recommends that the State party undertake all necessary measures to formulate and implement adequate health policies and programmes by making available reproductive health services, including education and the promotion of safe sexual practices.**

HIV/AIDS

514. While noting the many initiatives taken by the State party to address the issue of HIV/AIDS, the Committee remains deeply concerned at the increasing number of children being infected and affected by HIV/AIDS.

515. **The Committee recommends that the State party 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 and affected by HIV/AIDS, as well as their families, in accordance with the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of children (CRC/GC/2003/3).**

7. Education, leisure and cultural activities

516. The Committee is encouraged by the State party's efforts to reform its national education system and to address the key issues of participation and quality of education. It notes that a community-based education would attract children from school-distant groups into educational institution settings. However, it is concerned that enrolment, literacy and retention rates are still low, particularly in primary education, and that there is a significant disparity between the number of boys and girls in school. The Committee is also concerned that, as education is not compulsory nor free, ages for admission to and completion of primary education have not been set.

517. The Committee recommends that the State party continue to strengthen its efforts to complete the reform of its national education system and in particular to strengthen measures aimed at increasing enrolment and retention rates in primary and basic education, in particular for girls. The Committee also recommends that the State party set ages for admission to and completion of compulsory and free primary education and include human rights education as part of the curriculum.

8. Special protection measures

Children affected by armed conflict

518. While acknowledging the efforts undertaken by the State party to rehabilitate ex-child soldiers, the Committee expresses its concern that there is still a significant number of children suffering from the very harmful effects of armed conflict.

519. The Committee recommends that the State party set up a comprehensive strategy to ensure that no children are involved in armed conflict and that every ex-child soldier is properly rehabilitated and integrated into the society.

Economic exploitation

520. The Committee, while welcoming the ratification in 2000 by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment of 1973 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999, remains concerned at the significant number of children working, inter alia, as domestic servants.

521. The Committee recommends that the State party undertake a survey of the number of children working as domestic servants in order to design and implement legislation and policies to prevent and combat all forms of economic exploitation of children, in accordance with ILO Conventions Nos. 138 and 182, in particular those involved in domestic services.

Sexual exploitation and trafficking

522. The Committee, while noting with appreciation the recent amendments to relevant legislation and the formulation of a draft National Plan of Action to combat the commercial

sexual exploitation of children and sexual exploitation in its wider context, remains concerned at the seemingly high incidence of child prostitution in the State party and the lack of accurate data and adequate policies in this regard.

523. The Committee recommends that the State party expedite the adoption of its National Plan of Action, take all necessary measures to implement existing legislation and develop an effective and comprehensive policy addressing the sexual exploitation of children with special attention to the protection of girls and women. The Committee also recommends that the State party implement appropriate policies and programmes for the prevention of such practices and for rehabilitation 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.

Drug abuse

524. While welcoming the establishment of the National Narcotics Bureau to address the problem of substance abuse, the Committee remains concerned at the high incidence of children abusing drugs such as marijuana and home brew. It is also concerned at the lack of adequate legislation and treatment programmes in this regard.

525. The Committee recommends that the State party take action to combat drug abuse by children, including through public education campaigns, and ensure that child drug and substance abusers have access to effective structures and procedures for treatment, counselling, recovery and reintegration.

Children in conflict with the law

526. While acknowledging the State party's efforts to improve the juvenile justice system, the Committee is concerned at the very low minimum age of criminal responsibility (7 years), that children in detention are not always separated from adults and at the lack of probation services, including re-education, vocational training and counselling for children in conflict with the law.

527. The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 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), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:

(a) Raise the minimum age of criminal responsibility to an internationally acceptable level;

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

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Seek technical cooperation from, among others, OHCHR and UNICEF.

9. Optional Protocols to the Convention

528. The Committee notes that the State party has not ratified 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.

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

10. Dissemination of documents

530. **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

531. **In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (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 implementation of the Convention. 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 30 September 2008, due date for the submission of the third report. 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: Slovenia

532. The Committee considered the second periodic report of Slovenia (CRC/C/70/Add.19) at its 938th and 939th meetings (see CRC/C/SR.938 and 939), held on 26 January 2004, and adopted, at its 946th meeting (CRC/C/SR.946) held on 30 January 2004, the following concluding observations.

A. Introduction

533. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and the written replies to its list of issues (CRC/C/Q/SVN/2). The Committee also notes with appreciation the frank and constructive dialogue held with the State party's delegation.

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

534. The Committee welcomes a number of positive developments in the reporting period, including:

(a) The recent official withdrawal of the State party's reservation to article 9, paragraph 1, of the Convention;

(b) The ratification in 2002 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(c) The adoption of legislative and other measures aimed at improving the integration of children with special needs into regular forms of education, including the Guidance for Children with Special Educational Needs Act in 2000;

(d) The adoption of the Family Earnings Act in 1999, under which the age for entitlement to a special childcare allowance was raised, so that a parent of a seriously ill child or a child with mental or physical disability who attends school will receive an allowance until the child or young person reaches the age of 26;

(e) The adoption of new legislation defining the rights of asylum-seekers and refugees, including the Aliens Act and the Asylum Act of 1999, and the additions to the Law on the Temporary Refugee Status (ZZat-A) of 2002;

(f) The ratification in 2001 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(g) The adoption of the new Civil Procedures Act in 2003, which strengthens the rights of the child to be heard in civil procedures, as well as of other legislative measures, some of which will be mentioned hereafter.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

The Committee's previous recommendations

535. The Committee welcomes that some of its previous recommendations (CRC/C/15/Add.65 of 30 October 1996) have been implemented, but regrets that most of them have not been sufficiently addressed, including the recommendations regarding

coordination (para. 21), dissemination of information and training on the Convention (para. 22), allocation of resources (para. 24), measures to reduce school dropout (para. 23) and measures to combat ill-treatment and abuse within the family (para. 25).

536. The Committee urges the State party to make every effort to implement the previous recommendations which have not yet been sufficiently addressed and those contained in the present document.

Legislation and implementation

537. The Committee welcomes the many and various legislative measures taken by the State party to strengthen the protection of children's rights, but is concerned at the lack of effective measures for the implementation of all the recently adopted laws, which creates a gap between law and practice.

538. The Committee recommends that the State party take the necessary measures, including the provision of adequate financial and human resources, for the implementation of laws, including those recently adopted.

Independent monitoring structures

539. The Committee notes with satisfaction that the Human Rights Ombudsman of Slovenia is functioning as an independent human rights institution. The Committee also notes with interest proposals under consideration to appoint either a deputy ombudsperson or a special ombudsperson dealing specifically with children's rights.

540. The Committee recommends that the State party establish either a deputy ombudsperson, a section within the Human Rights Ombudsman's Office, or a separate children's ombudsperson, supported with sufficient human and financial resources, for an independent and effective monitoring of the implementation of children's rights in accordance with the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child. Furthermore, the Committee recommends that the State party ensures that information on the possibility of filing complaints with the Human Rights Ombudsman is widely disseminated, also in a child-friendly manner.

Coordination

541. The Committee welcomes the establishment of the Council of Children as an advisory body to the Ministry of Labour, Family and Social Affairs, with overall responsibility for the coordination of measures of implementation of the Convention. However, the Committee remains concerned at the purely advisory character of this body and at the lack of clear structures and mechanisms for the effective coordination of measures of implementation of the Convention.

542. The Committee recommends that the State party establish effective mechanisms for coordinating the implementation of the Convention, e.g. by providing the Ministry of Labour, Family and Social Affairs with a clear mandate in this regard and with adequate

resources for its coordinating role. The State party is encouraged to seek technical assistance from, among others, the United Nations Children's Fund (UNICEF) in this regard.

National Plan of Action

543. The Committee welcomes the formulation of a National Plan of Action for Children for 2003-2013, "National Development Programme for Improving Children's Situation in the Republic of Slovenia", in cooperation with the National Committee for UNICEF, and stresses the importance of ensuring its effective implementation.

544. The Committee recommends that the State party ensure that the National Plan of Action for Children covers all areas of the Convention and takes into account the outcome document of the 2002 General Assembly special session on children, entitled "A World Fit for Children". The State party should allocate sufficient resources towards its realization and the effective functioning of the Council of Children and other bodies which will be charged with promoting and monitoring the Plan.

Resources

545. The Committee welcomes the information on budget allocations to health, education and social services, in particular regarding child, parental and family benefits, but is concerned at the decrease in some of these allocations.

546. The Committee recommends that the State party develop a systematic and detailed allocation of resources in order to provide a clear picture of trends in budget allocations and ensure that resources are made available, in accordance with article 4 of the Convention, to the maximum extent of available resources in order to meet the needs of all children and correct poverty-related disparities.

Data collection

547. While welcoming the quantity of statistical data provided in the State party's report and the written replies to the list of issues, the Committee notes that the data are not always sufficiently disaggregated by vulnerable groups. The Committee is also concerned that databases and archives in the State party are not sufficiently coordinated to generate such more specific data.

548. The Committee recommends that the State party continue and strengthen its efforts to develop a system for a comprehensive collection and evaluation of comparative and disaggregated data on the Convention, including by improving the integration of relevant databases and archives. The data should cover all children below the age of 18 years and be disaggregated by those groups of children 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.

Training/dissemination of the Convention

549. The Committee notes with satisfaction that the State party published and made public a report, printed in 2000 copies, which included the initial report, the concluding observations of the Committee thereon, and translations of the Declaration of the Rights of the Child, the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). The Committee is, nevertheless, concerned that awareness of the Convention amongst professionals working with and for children, and the general public, especially children themselves, remains low.

550. The Committee encourages the State party (a) to strengthen, expand and make ongoing its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government; and (b) to develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, health personnel and especially children themselves).

Cooperation with NGOs

551. While a number of NGOs received drafts of the second periodic report for comment, the Committee notes the information that these consultations were not carried out in a systematic manner as the drafts were circulated only to a limited number of organizations and the deadline set for making comments was too short.

552. The Committee encourages the State party to strengthen its cooperation with NGOs and involve NGOs and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention. The Committee also recommends that the State party support and financially assist NGOs, particularly those that work as service providers and supplement the efforts of the State party, maintaining full respect for their autonomy.

2. General principles

Non-discrimination

553. While taking note of the various programmes aiming at improving the position of the Roma, the Committee is concerned that prejudices and discrimination against the Roma and other minorities in the State party, including Serbs, Bosniacs, Albanians and Croats, remain widespread. The Committee also notes with concern that Roma children continue to be among the most vulnerable groups in Slovenia and that some programmes aiming at uplifting Roma communities make a distinction between "autochthonous" and "non-autochthonous" Roma and exclude the latter group. Furthermore, while welcoming measures taken to facilitate the integration of Roma children into regular primary schools, the Committee is concerned at the high number of Roma children attending classes for children with special needs.

554. The Committee recommends that the State party intensify its efforts to combat negative stereotypes of and discrimination against Roma children and children belonging

to other minorities in the State party. Furthermore, the Committee recommends that the State party take further measures to improve the standard of living of Roma children and ensure that all these children are integrated into mainstream education, so that special assistance and support for Roma children can be provided at regular classes. It also recommends that the State party end the distinction between autochthonous and non-autochthonous Roma.

Respect for the views of the child

555. The Committee notes with interest the adoption of the new Civil Procedure Act in 2003, which provides children aged 15 or over and capable of understanding the meaning and legal consequences of their actions with the opportunity to be engaged independently in legal proceedings. The Act also prescribes that the court, when ruling on the upbringing and care of children, must notify a child aged 10 years or over of his or her right to express his or her views. However, the Committee is concerned that children are still often not allowed a possibility to present their views when they are in contact with public institutions and social services, including Social Work Centres.

556. The Committee recommends, in the light of article 12 of the Convention, that measures be taken to ensure that children are given the opportunity to be heard not only in civil law procedures (such as those relating to custody and visitation rights) but in all other legal procedures and decision-making processes, including at Social Work Centres. Furthermore, the Committee recommends that the right to be heard should be extended also to children below the age of 10 who are able to understand the significance of the proceedings.

3. Civil rights and freedoms

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February 1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

4. Family environment and alternative care

Family environment

559. The Committee welcomes the proposed changes to the Marriage and Family Relations Act, outlined in the State party's written replies to the list of issues, but is concerned that the

right of a child who has been separated from one of his or her parents to maintain regular contact with both parents and other relatives is not sufficiently protected under current legislation.

560. The Committee encourages the State party to expedite the enactment of changes to the Marriage and Family Relations Act and take all necessary measures to protect the right of children to maintain contacts with both parents.

561. The Committee appreciates the work and the role of Social Work Centres in providing administrative and other types of assistance to children and families, but is concerned at the lack of appropriate and effective measures to strengthen professional capacities of the staff of these centres, as well as at the often lengthy procedures applied.

562. The Committee recommends that the State party take all necessary steps to provide ongoing training to the staff of Social Work Centres and provide for efficient administrative, legal and practical measures to ensure quality and efficiency of all activities of these institutions.

Recovery of maintenance

563. While welcoming the Act amending the Guarantee and Maintenance Fund of 2002, which removed the income restriction on exercising the right to compensation of maintenance, the Committee is concerned that the recovery of maintenance is not sufficiently protected in law and in practice and that the administrative and court proceedings of enforcing the right to maintenance are often lengthy.

564. The Committee urges the State party to take further measures to ensure a more effective implementation of legislation on the payment of maintenance, including by ensuring more expeditious court proceedings and strict enforcement of administrative and court orders.

Adoption and foster care

565. While welcoming the new Implementation of Fostering Activities Act of 2003, which provides for a more systematic regulation of fostering activities, the Committee is concerned that the mechanisms for reviewing and monitoring the placement of fostered children are not sufficient. Furthermore, the Committee is concerned at the lack of standards and regulations on adoption and of a national adoption register.

566. The Committee recommends that the State party ensures that the legislation on foster care and adoption is in conformity with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The law on adoption should guarantee the right of the child to know his/her origin and access to information about his/her background. Furthermore, the Committee recommends that the State party: (a) establish a national register of children to be adopted

and of families qualified to adopt, which takes full account of the best interests of the child; (b) put in place mechanisms for monitoring the situation of fostered and adopted children; and (c) ensure that procedures of fostering and adoption are handled by a qualified and efficient multidisciplinary team.

Abuse and neglect

567. The Committee welcomes the information that the Police Act has been amended, allowing the police to remove an alleged perpetrator of child abuse or other forms of family violence from the home for up to 10 days and that the courts can extend this period for 30 days. The Committee, however, remains concerned that child abuse in the family and in institutions appears to be widespread. Furthermore, while noting that an Act for Prevention of Violence in the Family is in preparation, it is concerned that the existing preventive and protective measures taken to address the problem are not sufficient.

568. The Committee recommends that the State party continue and strengthen its efforts to address the problem of child abuse by, inter alia:

(a) Ensuring full and effective implementation of the changes in the Police Act and adequate ongoing training of police officers and judges;

(b) Expediting the drafting and approval of the Act for Prevention of Violence in the Family and related changes in the family law, legislative measures which should provide for effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(c) Ensuring that cases of ill-treatment are investigated and prosecuted, that the abused child is not victimized in legal proceedings and that his or her privacy is protected;

(d) Providing training for parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach;

(e) Ensuring effective coordination among the multidisciplinary team dealing with child abuse and neglect;

(f) Carrying out public education campaigns about the negative consequences of ill-treatment of children;

(g) Providing facilities for the care, recovery and reintegration of victims.

569. The Committee notes with concern the high incidence of violence in schools on the part of teachers or staff and peer violence and bullying, including inappropriate and offensive attitudes on the part of some teachers towards pupils. It welcomes in this regard the appointment of the Commission for Analysis of the Problem of Violence in Slovene Education in 2003 charged with providing proposals for measures to deal with cases of violence, including regular additional training for teachers.

570. **The Committee recommends that the State party take all measures to ensure that discipline in schools is upheld in a manner that respects the human dignity of the child. It also encourages the State party to ensure that the commission appointed by the Minister of Education to analyse the problem of violence in Slovene education be given adequate support. Furthermore, the Committee recommends that the State party strengthen measures to address the general problem of violence among adolescents, inter alia, through education and awareness-raising campaigns.**

Corporal punishment

571. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment within the home and that the latest draft amendments to the Marriage and Family Relations Act do not envisage such a prohibition.

572. **The Committee recommends that the State party strengthen its efforts to address ill-treatment of children in the family, including by raising awareness of alternative, non-violent forms of discipline through public campaigns. The Committee also urges the State party to consider introducing an explicit prohibition on corporal punishment of children in the family, either in the draft amendments to the Marriage and Family Relations Act or in the special act on preventing violence in the family currently in preparation.**

5. Basic health and welfare

Children with disabilities

573. The Committee notes with concern that implementing measures based on the Law on Guiding Children with Special Needs, adopted in 2000, have still not been adopted and that, as a consequence, children with disabilities who are not enrolled in special institutions cannot take advantage of programmes provided for in the law. It is also concerned about the low enrolment of female children with disabilities in school.

574. **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 rights of children with disabilities" (CRC/C/69, paras. 310-339), the Committee encourages the State party to ensure the expeditious adoption of implementing measures concerning the Law on Guiding Children with Special Needs, and to address the low enrolment of female children with disabilities in school.**

Health and health services

575. While acknowledging the measures taken by the State party to ensure that basic health care is provided for the most vulnerable groups in society and the overall good health indicators in Slovenia, the Committee is concerned at the relatively poor health situation of some children, particularly those belonging to the Roma community, and the relatively high maternal mortality rate. Furthermore, the Committee is concerned about the increasing incidence of alcohol abuse and tobacco smoking among adolescents.

576. **The Committee recommends that the State party give priority attention to identifying and addressing the causes of the poor health situation of some children, particularly Roma children, and the high maternal mortality rate. It also recommends that the State party take further preventive measures and treat adolescents who abuse tobacco and/or alcohol.**

Mental health

577. The Committee notes with concern the increase in the number of suicides among young people aged between 7 and 19 in the reporting period.

578. **The Committee recommends that the State party strengthen its efforts and programmes to prevent suicide among young people. The Committee also recommends that the State party ensure psychosocial counselling for children with mental health problems and for those subjected to various forms of abuse to improve the early detection and prevention of suicide.**

Social security

579. While welcoming measures undertaken to fight poverty, including the Action Programme against Poverty and Social Exclusion, adopted in 2000, the Committee is concerned about the incidence of poverty in the State party, particularly among Roma and single-parent families.

580. **The Committee recommends that the State party continue and further strengthen measures to combat poverty, including special measures targeted at single-parent families and the Roma community.**

6. Education, leisure and cultural activities

Education, including vocational training and guidance

581. While welcoming the extension of primary education from eight to nine years and the increase in the enrolment rate in secondary education registered in the reporting period, the Committee is concerned about the high school dropout rate in secondary education.

582. **The Committee recommends that the State party take measures to address the high dropout rate in secondary education.**

Aims of education

583. While noting with appreciation that human rights education is included in the curriculum in Slovene schools, the Committee notes that this subject is not included at university level for future teachers.

584. **The Committee encourages the State party to introduce human rights education, particularly on the rights of the child, in the curricula for teacher training at university level and to strengthen efforts to promote within the school environment the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples and ethnic and religious groups.**

7. Special protection measures

Children in situations of emergency (refugee and internally displaced children)

585. The Committee notes with satisfaction that children with temporary refugee status are able to enrol in primary and secondary education under the same conditions as Slovene children. It notes with concern, however, that the extent of health-care services available to these children has still to be regulated.

586. The Committee encourages the State party to take further measures to ensure that asylum-seeking and refugee children are granted equal access to services, including health care.

587. The Committee welcomes the Law on Asylum of 1999 and the amendments to the Law on Aliens of 2002 which stipulate that cases involving children and adolescents should be given priority and processed quickly and that a legal guardian should be appointed to separated children in deportation procedures. The Committee is, however, concerned about reports that unaccompanied children are not provided with adequate support during the asylum procedure and that the appointment of a legal guardian to such children takes too long.

588. The Committee recommends that the State party ensure the effective implementation of the Law on Asylum and the amendments to the Law on Aliens concerning asylum claims involving children and the appointment of a guardian to unaccompanied children. The State party should ensure that reception centres have special sections for children and that necessary support, including access to education, is given to children and families throughout the process with the involvement of all authorities concerned with a view to finding durable solutions in the best interests of the child.

Administration of juvenile justice

589. The Committee welcomes the adoption in 2000 of the Rules of Police Authorization under the Police Act, which instruct police officers to act with particular restraint when dealing with children and minors and provide for a complaints procedure, and takes note of the acknowledgment in the State party's report (para. 23) of the need to provide regular professional training for all police officers on these issues.

590. The Committee recommends that the State party ensure the effective implementation of the Rules of Police Authorization under the Police Act, and encourages the State party to ensure that regular special training is provided for police officers on how to deal with children and minors.

Children in situations of exploitation, including physical and psychological recovery and social reintegration

Drug abuse

591. The Committee notes with concern the increasing use of illicit drugs among children in the State party.

592. **The Committee recommends that the State party strengthen measures to address the problem of drug abuse among children.**

Sexual exploitation and trafficking

593. While welcoming the measures taken by the State party to combat and raise awareness of the problem of trafficking in persons, including the establishment of the Interdepartmental Working Group on Combating Trafficking in Human Beings, the Committee is concerned about reports that Slovenia serves as a transit and destination country for trafficked women and girls. The Committee is also concerned that there is no specific prohibition in law of trafficking in human beings, including for the purpose of prostitution and other exploitative purposes.

594. **The Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field, 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. The State party is encouraged to ratify the United Nations Convention against Transnational Organized Crime and its two supplementing protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Committee also encourages the State party to classify “trafficking” as a grave criminal offence under its Penal Code.**

595. The Committee is concerned that children are not protected in the legislation against abuse on the Internet and that there is no legislation on sex tourism and child pornography.

596. **The Committee recommends that the State party strengthen the legal protection of children against various forms of abuse on the Internet, including child pornography, and introduce legislation which would make Slovene citizens liable to criminal prosecution for child abuse committed abroad.**

Children belonging to a minority group

597. The Committee is concerned that children belonging to some ethnic groups in Slovenia, such as Bosniacs, Croats, Serbs, Albanians and others, do not enjoy fully some of their cultural rights.

598. **The Committee recommends that the State continue to strengthen and expand efforts to ensure that children from all ethnic groups fully enjoy their rights, in particular those mentioned in article 30 of the Convention.**

599. **The Committee recommends that the State party ensures the effective implementation of the Rules of Police Authorization under the Police Act and encourages the State party to ensure that regular special training is provided for police officers on how to deal with children and minors.**

8. Optional Protocols to the Convention

600. The Committee notes that in September 2001 the State party signed 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, and encourages the State party to proceed to ratify both Optional Protocols.

9. Dissemination of documents

601. **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 thereon 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

602. **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 its third and fourth periodic reports by 24 June 2008, date on which the fourth periodic report is due. Such a report should not exceed 120 pages (see CRC/C/118).**

Concluding observations: Japan

603. The Committee considered the second periodic report of Japan (CRC/C/104/Add.2) at its 942nd and 943rd meetings (see CRC/C/SR.942 and 943), held on 28 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

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

B. Positive aspects

605. The Committee notes with appreciation:

(a) The adoption of the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children (1999) and of the Child Abuse Prevention Law (2000);

(b) The establishment of a National Plan of Action against Commercial and Sexual Exploitation of Children in 2001;

(c) The formulation of the National Youth Development Policy in 2003.

606. The Committee notes with appreciation that the State party is the largest donor of official development assistance in absolute figures, and the fact that a considerable amount of that assistance is allocated to social development, including health and education.

607. The Committee welcomes the ratification by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment in 2000 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001.

C. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

608. The Committee notes that some concerns and recommendations (CRC/C/15/Add.90 of 24 June 1998) made upon the consideration of the State party's initial report (CRC/C/41/Add.1) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, non-discrimination (para. 35), the excessively competitive nature of the school system (para. 43) and violence in schools, including bullying (para. 45), have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

609. 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.

Declarations and reservations

610. The Committee is concerned about the State party's declarations on articles 9 and 10 and its reservation to article 37 (c).

611. In accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights in 1993 (A/CONF.157/23), the Committee reiterates its recommendation that the State party withdraw its declarations on and reservation to the Convention.

Legislation

612. The Committee is concerned that domestic legislation does not fully reflect the principles and provisions of the Convention (see, for instance, paragraphs 22, 24 and 31 of the present concluding observations), and that while the Convention can be invoked directly by the Courts, in practice this does not occur.

613. The Committee recommends that the State party undertake a comprehensive review of its legislation and take all necessary measures to ensure its conformity with the principles and provisions of the Convention and the rights-based approach enshrined therein.

Coordination and National Plans of Action

614. The Committee notes the establishment of the Headquarters for Youth Policy within the Cabinet Office which is mandated to coordinate policies on children and youth, and, as previously noted, the elaboration of the National Youth Development Policy. However, the Committee is concerned that the National Youth Development Policy is not a comprehensive plan of action and that the participation of children and civil society in the elaboration and implementation of the Policy has been insufficient.

615. The Committee recommends that the State party:

(a) Strengthen, in collaboration with civil society and youth organizations, the National Youth Development Policy to ensure that it is rights-based, covers all areas of the Convention and takes into account the commitments made in the outcome document of the General Assembly special session on children entitled “A World Fit for Children”;

(b) Continuously review the National Youth Development Policy, together with civil society and children, in order to ensure that it effectively addresses emerging issues and problems.

Independent monitoring

616. The Committee is concerned that there is no independent nationwide system to monitor the implementation of the Convention. At the same time, the Committee welcomes information that three prefectures have established local ombudsmen and that the bill on the establishment of a Human Rights Commission will be resubmitted to the Diet at its next session. In light of the information provided by the delegation that the draft bill envisages a Human Rights Commission that is responsible to the Minister of Justice, the Committee is concerned about the independence of that institution. In addition, it is concerned that the planned Human Rights Commission does not have an explicit mandate to monitor the implementation of the Convention.

617. **In light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child, the Committee recommends that the State party:**

(a) **Review the Human Rights Protection Bill to ensure that the planned Human Rights Commission will be an independent and effective mechanism in accordance 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);**

(b) **Ensure that the Human Rights Commission has a clearly defined mandate to monitor the implementation of the Convention, to deal with complaints from children in a child-sensitive and expeditious manner and to provide remedies for violations of their rights under the Convention;**

(c) **Promote the establishment of local ombudsmen within prefectures, and establish a system for them to coordinate with the Human Rights Commission once it is established;**

(d) **Ensure that the Human Rights Commission and local ombudsmen are provided with adequate human and financial resources and easily accessible to children.**

Data collection

618. The Committee is concerned at the lack of comprehensive data on all areas of the Convention for all children aged 0-18 years, and regrets the lack of information on resources allocated to children aged 0-18 years.

619. **The Committee recommends that the State party strengthen existing mechanisms for data collection, and, where necessary, establish additional mechanisms for data collection, in order to ensure that data is collected on all areas under the Convention and that it is disaggregated, inter alia, by age for all persons under 18 years, gender and ethnic and indigenous minorities. It also recommends that the State party gather data on budgetary allocations for children, identifying the amount and proportion of the State budget spent on children aged 0-18 years in the public, private and NGO sectors in order to evaluate the impact 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.**

Cooperation with civil society

620. While noting the information provided by the delegation that there is a growing tendency to improve cooperation with civil society, the Committee is concerned about the lack of interaction between the Government and NGOs, in particular, in the area of children's rights.

621. **The Committee recommends that the State party systematically cooperate with civil society in implementing the Convention and the Committee's concluding observations.**

Dissemination and training

622. The Committee welcomes the training activities undertaken by the State party for judges, teachers, police officers, officials at correctional institutes, probation officers and immigration officers. However, it remains concerned that children and the public at large, as well as many professionals working with and for children are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

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

(a) Strengthen public awareness campaigns for the general public and children on the Convention and, in particular, the fact that children are the subject of rights;

(b) Continue to carry out systematic education and training on the principles and provisions of the Convention for all persons working with and for children, in particular, teachers, judges, lawyers, parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers;

(c) Evaluate the impact of awareness-raising campaigns, training and education programmes on attitudinal change, behaviour and the treatment of children;

(d) Include human rights education, and specifically child rights education, in the school curriculum.

2. Definition of the child

624. The Committee is concerned that the minimum age of marriage is still different for boys (18) than girls (16) and that the minimum age of sexual consent (13 years) is low.

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

(a) Raise the minimum age of marriage for girls to that of boys;

(b) Raise the minimum age of sexual consent.

3. General principles

Non-discrimination

626. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities, Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.

627. **The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as “illegitimate” from legislation and regulations. The**

Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination and ensure access to basic services, in particular, for girls, children with disabilities, Amerasians, Koreans, Buraka, Ainu and other minorities, children of migrant workers and refugee and asylum-seeking children, through, inter alia, public education and awareness campaigns.

628. **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, taking into account general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Respect for the views of the child

629. While noting the State party's efforts to improve respect for the views of the child, the Committee remains concerned that traditional attitudes towards children in society limit respect for their views within the family, schools, other institutions and society at large.

630. **The Committee recommends that the State party, in accordance with article 12 of the Convention:**

(a) Promote respect for the views of children and facilitate their participation in all matters affecting them, in the family, courts, administrative bodies, institutions and schools, as well as in policy development, and ensure that children are aware of this right;

(b) Provide educational information to, inter alia, parents, educators, government administrative officials, the judiciary and society at large on children's right to have their views taken into account and to participate in matters affecting them;

(c) Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policies, programmes and children themselves;

(d) Ensure that children participate systematically in meetings of boards, committees and other groups determining policies in schools and other institutions providing education, leisure and other activities for children.

4. Civil rights and freedoms

Freedom of expression and association

631. The Committee is concerned about restrictions on political activities undertaken by schoolchildren both on and off school campuses. It is also concerned that children below the age of 18 require parental consent to join an association.

632. The Committee recommends that the State party review legislation and regulations governing activities undertaken by schoolchildren on and off campus and the requirement for parental consent to join an organization, in order to ensure the full implementation of articles 13, 14 and 15 of the Convention.

Name and nationality

633. The Committee is concerned that a child of a Japanese father and foreign mother cannot obtain Japanese citizenship unless the father has recognized that child before its birth, which has, in some cases, resulted in some children being stateless. It is additionally concerned that undocumented migrants are unable to register the birth of their children, and that this has also resulted in cases of statelessness.

634. The Committee recommends that the State party amend its Nationality Law and all other relevant legislation and regulations to ensure conformity with article 7 of the Convention so that no child born in Japan should become stateless.

Right to privacy

635. The Committee is concerned that children's right to privacy is not fully respected, in particular, with regard to the searching of a child's belongings, and the fact that staff in institutions may interfere with a child's personal correspondence.

636. The Committee recommends that the State party:

(a) Ensure the full implementation of a child's right to privacy, including with respect to personal correspondence and searching of personal effects;

(b) Amend the Minimum Standards for Child Welfare Institutions so as to bring them into conformity with article 16 of the Convention.

Corporal punishment

637. The Committee notes with concern that corporal punishment, although legally prohibited in schools, is widely practised in schools, institutions and the family.

638. The Committee recommends that the State party:

(a) Prohibit corporal punishment in institutions and the home;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes towards corporal punishment, and promote positive, non-violent forms of discipline in schools, institutions and at home as an alternative to such punishment;

(c) Strengthen complaints mechanisms for children in institutions and schools to ensure that they deal with complaints of ill-treatment effectively and in a child-sensitive manner.

5. Family environment and alternative care

Child abuse and neglect

639. The Committee welcomes the measures undertaken to improve reporting and investigation of child abuse which have had significant results. However, it is concerned that:

- (a) There is no comprehensive and multidisciplinary strategy for the prevention of child abuse;
- (b) The number of cases prosecuted are still quite low;
- (c) Recovery and counselling services for victims are insufficient to meet the increased demand for such services.

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

- (a) Develop, in collaboration, among others, with civil society, social workers, parents and children, a multidisciplinary national strategy for the prevention of child abuse;**
- (b) Review legislation with a view to improving protective measures for the victims of child abuse in the family;**
- (c) Increase the number of trained professionals providing psychological counselling and other recovery services in a multidisciplinary fashion to victims at Child Guidance Centres;**
- (d) Increase the training provided to law enforcement officials, social workers, staff of Child Guidance Centres and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner.**

Adoption

641. The Committee is concerned that there is limited monitoring or control of domestic and intercountry adoptions, and that there is very limited data available on domestic and intercountry adoptions.

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

- (a) Strengthen its system for monitoring domestic and intercountry adoptions;**
- (b) Ratify and implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Child abduction

643. The Committee is concerned that there are insufficient safeguards to protect children from abduction.

644. **The Committee recommends that the State party ratify and implement the Hague Convention on the Civil Aspects of International Child Abduction of 1980.**

6. Basic health and welfare

Children with disabilities

645. The Committee is concerned that children with disabilities, including mental disabilities, remain disadvantaged in the enjoyment of their rights guaranteed by the Convention, and are not fully integrated into the education system as well as other recreational or cultural activities.

646. **Taking into account the Committee's 1997 day of general discussion on "The rights of children with disabilities" (CRC/C/66, annex V) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993), the Committee recommends that the State party:**

(a) In collaboration with children with disabilities and relevant non-governmental organizations, review all policies affecting children with disabilities to ensure that they meet the needs of children with disabilities and are in accordance with the Convention and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

(b) Promote greater integration of children with disabilities in education and recreational and cultural activities;

(c) Increase the human and financial resources allocated to special education and services for children with disabilities.

Adolescent health

647. The Committee is concerned about the prevalence of mental and emotional disorders among adolescents, including stress and depression, and the lack of a comprehensive strategy on adolescent mental health. The Committee is also concerned that sexually transmitted diseases among youth are on the rise and shares the State party's concern about drug abuse by adolescents in the State party. The Committee is also concerned that children under the age of 18 require parental consent for medical treatment and counselling.

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

(a) Undertake a study of adolescent health with a view to developing a comprehensive adolescent health policy, which includes preventive measures, where appropriate, that addresses mental health, reproductive and sexual health, drug abuse and other related issues;

(b) Amend legislation so as to allow children under 18 to access medical counselling and information without parental consent;

(c) Develop and implement programmes for the prevention of mental and emotional disorders among adolescents and train teachers, social workers and others working with children on how to address adolescent mental health issues in a child-sensitive manner.

Youth suicide

649. The Committee is highly concerned about:

- (a) The increasingly high rate of youth suicide;
- (b) The lack of qualitative and quantitative data on suicide and attempted suicide and its causes;
- (c) The fact that the police have been designated as one of the primary organizations to deal with the issue of youth suicide.

650. **The Committee recommends that the State party undertake an in-depth study of youth suicide and its causes and use this information to develop and implement a national plan of action on youth suicide, in cooperation with Child Guidance Centres, social workers, teachers, health workers and other relevant professionals.**

7. Education, leisure and cultural activities

651. The Committee notes the State party's efforts to reform the education system and bring it into greater conformity with the Convention; however, it is concerned that:

- (a) The excessively competitive nature of the education system has a negative effect on the children's physical and mental health and hampers the development of the child to his or her fullest potential;
- (b) Excessive competition for entry into higher education means that public school education must be supplemented by private tutoring, which is not affordable for children from poorer families;
- (c) Communication and cooperation between parents and teachers with regard to children's problems and conflicts at schools is very limited;
- (d) Although eligibility criteria have been broadened for graduates from foreign schools in Japan applying to university, some continue to be denied access to higher education;
- (e) Night schools in the Tokyo metropolitan area, which offer flexible education opportunities, in particular for dropouts, are being closed down;
- (f) Children of minorities have very limited opportunities for education in their own language;
- (g) Despite review procedures, some history textbooks are incomplete or one-sided.

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

(a) **Taking into account the views of students, parents and relevant non-governmental organizations, review the curriculum with a view to reducing the competitiveness of the school system while maintaining a high level of quality of education so as to ensure that all students graduating from high school have equal access to higher education;**

(b) **Develop measures, in collaboration with students and parents, to effectively address problems and conflicts in schools, in particular violence, including bullying;**

(c) **Encourage the Tokyo authorities to reconsider the closing down of night schools, and to expand alternative forms of education;**

(d) **Expand opportunities for children from minority groups to enjoy their own culture, profess or practise their own religion and use their own language;**

(e) **Strengthen review procedures for textbooks to ensure that they present a balanced view.**

8. Special protection measures

Sexual exploitation and trafficking

653. As noted in paragraph 3 above, the Committee welcomes the adoption and implementation of the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children (1999). However, it is concerned that:

(a) The Penal Code maintains a narrow definition of rape as an act committed by a male against a female;

(b) All victims of sexual exploitation do not have access to appropriate recovery and assistance services;

(c) There have been reports of child victims being treated as criminals;

(d) There have been reports of the practice of “enjo kosai”, or compensated dating;

(e) The low minimum age of consent, which might contribute to the practice of “enjo kosai”, hampers the prosecution of sexual abuse of children.

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

(a) **Amend legislation on sexual exploitation and abuse to ensure equal protection for boys and girls;**

(b) **Increase the number of trained professionals providing psychological counselling and other recovery services to victims at Child Guidance Centres;**

- (c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner;**
- (d) Develop preventive measures that target those soliciting and providing sexual services, such as materials on relevant legislation on the sexual abuse and exploitation of minors and education programmes, including programmes in schools on healthy lifestyles;**
- (e) Raise the minimum age of sexual consent.**

Juvenile justice

655. While noting that the State party has undertaken a reform of the juvenile justice law since the Committee's consideration of its initial report, it is concerned that many of the reforms were not in the spirit of the principles and provisions of the Convention and international standards on juvenile justice, in particular, with regard to the minimum age of criminal responsibility, which was lowered from 16 to 14 years, and pre-trial detention, which was increased from four to eight weeks. It is concerned that an increasing number of juveniles are tried as adults and sentenced to detention, and that juveniles may be sentenced to life imprisonment. Finally, the Committee is concerned at reports that children exhibiting problematic behaviour, such as frequenting places of dubious reputation, tend to be treated as juvenile offenders.

656. **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, as well 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 light of the Committee's 1995 day of general discussion on the administration of juvenile justice;**
- (b) Amend legislation so as to abolish life imprisonment for juveniles;**
- (c) Strengthen and increase the use of alternatives to detention, including pre-trial detention, in order to ensure that deprivation of liberty is used only as a measure of last resort;**
- (d) Review the existing possibility for Family Courts to transfer a case against a child of 16 years or older to a criminal court for adults with a view to abolishing this practice;**
- (e) Provide legal assistance to children in conflict with the law throughout the legal proceedings;**
- (f) Ensure that children with problematic behaviour are not treated as criminals;**
- (g) Strengthen rehabilitation and reintegration programmes.**

9. Optional Protocols to the Convention

657. The Committee notes that the State party has not ratified 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.

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

10. Dissemination of documents

659. 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 non-governmental organizations.

11. Next report

660. The Committee expects to receive the third periodic report from the State party, which should not exceed 120 pages (see CRC/C/118), by 21 May 2006, date on which the report is due.

III. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

661. 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.

662. On 15 January 2004, Committee members met with representatives of UNHCR, who briefed them about recent developments in the field of refugees, asylum-seekers and unaccompanied children. Both parties discussed their ongoing cooperation, including the Office's input to the Committee's reporting process and possible cooperation in the drafting of a general comment.

663. On 27 January 2004, members of the Committee met with a group of over 30 adolescents from Japan ("Defence for Children-International: Children's group to send our voices to the CRC"). They briefed the Committee on the situation of children's rights in their country.

664. The Special Rapporteur of the Commission on Human Rights on the right to education, Ms. Katarina Tomasevski, met with members of the Committee on 27 January 2004. The Special Rapporteur briefed the Committee on a project entitled "At what age?", which gathered information on minimum ages for completion of compulsory education, employment, criminal

responsibility and marriage in most countries of the world. Committee members discussed with the Special Rapporteur various issues relating to the right to education, including the quality of education and existing indicators, the right to “compulsory and free primary education”, the dismantlement of public education and privatization trends, and human rights education.

IV. WORKING METHODS

665. At its 930th meeting, held on 20 January 2004, the Committee decided to try to organize an informal two and a half day meeting before its thirty-sixth session (17 May-4 June 2004) to work on its draft revised guidelines for periodic reporting. It would also discuss the format and content of its concluding observations and its list of issues.

V. GENERAL COMMENTS

666. The Committee started to discuss possible issues for general comments it could draft during the next two years at its 930th meeting, held on 20 January 2004. It decided to continue the elaboration of a general comment on “fundamental principles to be applied in a juvenile justice system”.

VI. FUTURE DAY OF GENERAL DISCUSSION

667. At its 937th meeting, held on 23 January 2004, the Committee discussed its future day of general discussion, to be held on 17 September 2004 during its thirty-seventh session. The Committee adopted an outline for the discussion day (see annex II). The following members will be actively involved in preparing the day: Mrs. Ghalia, Mrs. Al-Thani, Mrs. Saisuree Chutikul, Mrs. Yanghee Lee, Mr. Norberto Liwski, Mr. Lothar Krappmann and Mr. Kamel Filali.

VII. INFORMAL CONSULTATION WITH STATES PARTIES

668. On 23 January 2004, the Committee held an informal consultation with States parties to the Convention on the Rights of the Child and its two Optional Protocols (936th meeting). Representatives of over 60 States parties took part in an interactive dialogue with the Committee. Four main issues were discussed: the revision of the Committee’s guidelines for periodic reporting; the Committee’s proposed two chambers working method; working methods for the consideration of initial reports under the two Optional Protocols to the Convention; and the United Nations study on violence against children.

VIII. BIENNIAL REPORT TO THE GENERAL ASSEMBLY

669. At its 945th meeting, held on 29 January 2004, the Committee discussed and adopted the draft for its seventh biennial report, covering its activities at the thirtieth to the thirty-fifth sessions, to the General Assembly at its fifty-ninth session. The report was adopted unanimously by the Committee.

IX. DRAFT PROVISIONAL AGENDA FOR THE THIRTY-SIXTH SESSION

670. The following is the draft provisional agenda for the thirty-sixth 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. Future meetings.
9. Other matters.

X. ADOPTION OF THE REPORT

671. At its 946th meeting, held on 30 January 2004, the Committee considered the draft report on its thirty-fifth session. The report was adopted unanimously by the Committee.

Annex I

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.

Annex II

DAY OF GENERAL DISCUSSION “IMPLEMENTING CHILD RIGHTS IN EARLY CHILDHOOD”

Outline

1. The Committee on the Rights of the Child decided at its thirty-third session to devote its 2004 day of general discussion to “Implementing child rights in early childhood”.^a
2. The Convention on the Rights of the Child defines a child as “every human being below the age of 18 years unless, under the law applicable, majority is attained earlier” (art. 1). Early childhood covers different age groups in different countries and regions, ranging from birth to 4 to birth to 8 years. The Committee does not favour one over the other, as the general aim of the 2004 day of general discussion will be to broaden the understanding of and raise awareness about the rights of the youngest children in order to facilitate their full implementation by States parties to the Convention. The Committee will focus its discussions on both protection and participation aspects in early childhood as spelled out in the Convention.
3. In 2002 the General Assembly at its special session on children adopted a Plan of Action that committed Member States to the “development and implementation of national early childhood development policies and programmes to ensure the enhancement of children’s physical, social, emotional, spiritual and cognitive development”.^b

Themes for the day

4. Having reviewed since 1993 the situation of child rights in almost all the countries of the world, the Committee has noted that the rights of babies and young children are too often overlooked. It is still frequently believed that these children can only benefit from the protection rights recognized in the Convention.
5. Nevertheless, it is widely recognized that early childhood is a crucial period for the sound development of young children, and that missed opportunities during these early years cannot be made up at later stages of the child’s life. This applies to all rights recognized in the Convention, including those to survival, development, protection and participation.
6. As the theme of its 2004 day of general discussion is broad in scope, the Committee proposes that participants be divided into two working groups in order to focus discussions.

Working group 1 - Starting sound practices early

7. Broadly, this working group will examine some key features of child survival, protection and development.

Guaranteeing the rights to survival and development of young children, including the rights to health, nutrition and education

8. Article 6, paragraph 2, of the Convention guarantees the right to survival and development to all children. This provision can only be implemented in a holistic way by

enforcing all other provisions recognized in the Convention, including the rights to health, adequate nutrition and education (arts. 24, 28 and 29). States parties to the Convention need to ensure that in their first years all children have access to adequate health care and nutrition, as spelled out in article 24, to enable them to start a healthy life. In this context, breastfeeding, access to clean drinking water and adequate nutritious foods are vital.

9. Article 18, paragraphs 2 and 3, of the Convention requires States parties to “render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children” and to “take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services and facilities for which they are eligible”. Participants will discuss the benefits of any kind of rights-based programmes, services or institutions for young children, including kindergartens and pre- and primary school education. The working group will further look at how the Convention and other international standards can reinforce the systematic establishment of and access to pre-school or pre-primary education worldwide.

Guaranteeing the rights to rest, leisure, and to engage in play and recreational activities

10. The Committee has noted over the years that in general, insufficient attention is given and measures taken to implement the provisions of article 31 of the Convention, which guarantees “the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”. This is a concern as these rights have proved to be crucial at an early age for the sound development of each child. The right to rest is essential for children and failure to respect it can generate serious negative physical, psychological, cognitive and social consequences. The rights to leisure, play, and to a cultural and artistic life are also key human rights enabling every single young child to fully develop its potential skills, abilities and personality.

Working group 2 - Young children as full actors in their own development

11. The Convention recognizes children as holders of rights and being capable of exercising them in a manner consistent with their evolving capacity (art. 5). This working group will focus on the ways young children can be actively involved in the exercise of human rights and the related implications for States parties, all those working for or with young children and parents, legal guardians, or any other person who has the care of a child. Participants in this working group will focus their discussions on best practices (and those to be avoided) in involving babies and young children in their own development. They will therefore discuss innovative approaches, techniques and tools used to guarantee child participation during early childhood. Successful experiences to adapt human rights education to this group of children will also be debated.

Participation in the family, in the school setting and in the community

12. The Convention on the Rights of the Child strongly promotes child participation in all matters affecting him or her (arts. 5, 12 and 13-17). This vision of the child as subject of rights needs to be anchored in the child’s daily life: at home (including when applicable, the extended family), in school, and in his or her community. Child participation is a continuous learning

process for both adults and children and needs to start at the earliest stages of life as it is strongly process-oriented and is based on social interaction skills. It also requires the active involvement of parents (extended families), schools and communities in the creation and promotion of opportunities for children to participate actively in the realization of their rights.

The role of day care, early childhood programmes, pre-school, pre-primary and first years of primary education in promoting the child as a right-holder

13. Under their obligations assumed under the Convention, States parties and all others involved in early childhood need to ensure that babies and young children are offered child-sensitive and -centred programmes and services with a view to offering them a sound environment for the development of their participatory rights. The Committee recommends that States parties systematically promote and support the participation of children in school life. Participants will discuss experiences with and possibilities for participation by young children in the context of pre-school, pre-primary and the first years of primary education.

Approaches and objectives of the day of general discussion

14. At the end of the thirty-sixth session of the Committee, at which the discussion will take place, the Committee will adopt a set of recommendations on how to improve implementation of the Convention in the area discussed. In adopting the recommendations, the Committee will be guided by the discussion, the recommendations proposed by the working groups and the written contributions. The recommendations, which are intended to provide pragmatic guidance, are aimed primarily at States parties but also at other relevant actors. In order to maximize the effectiveness of the recommendations, the Committee aims to maintain a specific focus for the discussion day (as specified above).

Involvement of United Nations agencies, NGOs and other competent bodies

15. Implementing child rights in early childhood is of particular relevance to a number of other United Nations mechanisms, specialized agencies and programmes, other international organizations, as well as NGOs and other civil society actors. The objectives of the discussion will be to facilitate the exchange of information and experience accumulated by different stakeholders and thereby explore opportunities and challenges in implementing policies and programmes (including legislative and other measures) at the national and international levels to promote and protect the rights of babies and young children.

16. The discussion will contribute to the content of recommendations to be adopted by the Committee on the matter discussed and further help the Committee in addressing the rights of babies and young children through its monitoring functions. In allowing the Committee to benefit from the expertise of other agencies and organizations working directly in this field, these same organizations will also enhance their understanding of how to contribute more effectively to the work of the Committee.

Participation in the day of general discussion

17. The discussion day is a public meeting at which government representatives, United Nations bodies and specialized agencies, NGOs, including indigenous organizations and youth groups, and individual experts are welcome.
18. The meeting will be held during the thirty-seventh session of the Committee, at the Office of the United Nations High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 17 September 2004.
19. The format of the discussion day is meant to allow participants to exchange views in a frank and open dialogue. The Committee therefore asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information about best practices and child participation within the four aforementioned subthemes. Contributions should be sent electronically to:

crc@ohchr.org
Secretariat, Committee on the Rights of the Child
Office of the High Commissioner for Human Rights, UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

20. For more information on submission and registrations, please see the guidelines posted on the Committee's web page at: <http://www.unhchr.ch/html/menu2/6/crc/>.

Notes

^a According to rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child may devote one or more meetings of its regular sessions to a general discussion on one specific article of the Convention or related subject in order to enhance a deeper understanding of the content and implications of the Convention.

^b "A world fit for children", outcome document of the twenty-seventh special session of the General Assembly, resolution RES/S-27/2, annex, para. 36 (e).
