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Thirty-sixth session
17 May-4 June 2004

REPORT ON THE THIRTY-SIXTH SESSION

(Geneva, 17 May-4 June 2004)

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 4 June 2004, the closing date of the thirty-sixth 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 its 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 article 49 thereof. 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 72 States parties and signed by 115 States. The Optional Protocol entered into force on 12 February 2002. Also as 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 73 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 its resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. A list of States that have signed, ratified or acceded to the two Optional Protocols 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-sixth session at the United Nations Office at Geneva from 17 May to 4 June 2004. The Committee held 25 meetings. An account of the Committee's deliberations at its thirty-sixth session is contained in the relevant summary records (see CRC/C/SR.947, 949-960; 963-966 and 971).

C. Membership and attendance

5. All the members of the Committee attended the thirty-sixth session. A list of members, together with an indication of the duration of their terms of office, is provided in annex I to the present report. Mr. Ibrahim Abdul Aziz Al Sheddi (absent from 17 to 21 May 2004); Ms. Joyce Aluoch (absent from 17 to 28 May 2004) Mr. Jacob Egbert Doek (absent on 21 May 2004), Ms. Moushira Khattab (absent on 28 May 2004), Mr. Hatem Kotrane (absent on 21 May and 4 June 2004); Ms. Saisuree Chutikul (absent from 2 to 4 June 2004), Ms. Rosa Maria Ortiz (absent on 24 May 2004) and Ms. Marilia Sardenberg (absent on 28 May 2004) were not able to attend the session in its entirety. Ms. Marjorie Taylor could not attend the thirty-sixth 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 also attended the session:

General consultative status

International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Save the Children Alliance, Zonta International.

Special consultative status

Amnesty International, Arab Organization for Human Rights, Coalition against Trafficking in Women, Defence for Children International, International Commission of Jurists, International Confederation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, 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. At its 947th meeting, on 17 May 2004, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/138):

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

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 3 to 6 February 2004. All the members except Ms. Ghalia Al-Thani, Ms. Joyce Aluoch, Mr. Kamel Filali, 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. Jacob Doek chaired the pre-sessional working group, which held eight meetings at which it examined lists of issues put before it by members of the Committee relating to the initial reports of three countries (Dominica, Liberia and Sao Tome and Principe) and the second periodic reports of six countries (Democratic People's Republic of Korea, El Salvador, France, Myanmar, Panama, Rwanda). 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 5 April 2004.

F. Organization of work

13. The Committee considered the organization of its work at its 947th meeting, on 17 May 2004. The Committee had before it the draft programme of work for the thirty-sixth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirty-fifth session (CRC/C/137).

G. Future regular meetings

14. The Committee decided that its thirty-seventh session would take place from 13 September to 1 October 2004 and that its pre-sessional working group for the thirty-eighth session would meet from 4 to 8 October 2004.

II. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION AND THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

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 by 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 States parties to the Convention and status of the submission of reports (CRC/C/138);

(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) Note by the Secretariat on 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.10).

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-sixth session (see CRC/C/137, paragraph 16), the Secretary-General had received the initial reports of Bosnia and Herzegovina (CRC/C/11/Add.28) Saint Lucia (CRC/C/28/Add.23), the second periodic reports of Azerbaijan (CRC/C/83/Add.13), Hungary (CRC/C/70/Add.25), Lithuania (CRC/C/83/Add.14), Liechtenstein (CRC/C/136/Add.2), Ghana (CRC/C/65/Add.34) and Mauritius (CRC/C/65/Add.35), and the third periodic reports of Peru (CRC/C/125/Add.6). The Committee also received the initial report of Finland (CRC/C/OPAC/FIN/1) under the Convention's Optional Protocol on the involvement of children in armed conflict.

17. As at 4 June 2004, the Committee had received 182 initial and 86 second periodic reports and 11 third periodic reports. A total of 242 reports (180 initial and 62 second periodic) have been considered by the Committee.

18. At its thirty-sixth session, the Committee examined initial and periodic reports submitted by nine States parties under article 44 of the Convention. It devoted 18 of its 25 meetings to the consideration of reports (see CRC/C/SR.949-960; 963-968).

19. The following reports, listed in the order in which they were received by the Secretary-General, were before the Committee at its thirty-sixth session: El Salvador (CRC/C/65/Add.25), Panama (CRC/C/70/Add.20), Rwanda (CRC/C/70/Add.22), Sao Tome and Principe (CRC/C/8/Add.49), Liberia (CRC/C/28/Add.21), Myanmar (CRC/C/70/Add.21), Dominica (CRC/C/8/Add.48), the Democratic People's Republic of Korea (CRC/C/65/Add.24), France (CRC/C/65/Add.26).

20. In a note verbale dated 24 March 2004, the Government of Morocco transmitted its observations (CRC/C/15/Add.211, Part II) to the Committee concerning the concluding observations (CRC/C/15/Add.211) adopted at its thirty-third session.

21. 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.

22. 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 reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

B. Consideration of reports under the Convention

Concluding observations: El Salvador

23. The Committee considered the second periodic report of El Salvador (CRC/C/65/Add.25) at its 949th and 950th meetings (see CRC/C/SR.949-950), held on 18 May 2004, and adopted at its 971st meeting (see CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

24. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and the detailed written replies to its list of issues (CRC/C/Q/SLV/2), which allowed for a better understanding of the situation of children in El Salvador. The Committee also appreciates the frank and open dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

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

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

(a) The entry into force, in 1994, of the Family Court Procedure Act and the Family Code, and the abrogation of the discriminatory distinction between legitimate, illegitimate, natural and incestuous children;

(b) The adoption, in 2000, of the Equality of Opportunity for Persons with Disabilities Act, which aims at eliminating all forms of discrimination against and the accessibility of basic services for persons with disabilities;

(c) The ratification of the International Labour Organization Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), on 23 January 1996 and 12 November 2000 respectively, and the formulation of a National Plan for the Progressive Elimination of the Worst Forms of Child Labour in cooperation with ILO and ILO's Programme on the Elimination of Child Labour (IPEC);

(d) The adoption of the Juvenile Offenders Act and the Juvenile Offenders (Monitoring and Supervision of Enforcement of Judgements) Act in 1995, which, inter alia, discard the concept of children in “irregular situations”, in line with the Committee’s previous recommendations;

(e) The adoption of the Domestic Violence Act (1996), which establishes domestic violence, defined as “any direct or indirect act or omission that causes injury or physical, sexual or psychological suffering or the death of a family member”, as a specific punishable offence, and stipulates that any person who has knowledge of acts of domestic violence may report it to the competent authorities;

(f) The ratification, in 2002, of the Optional Protocol to the Convention on the involvement of children in armed conflict;

(g) The ratification, on 18 March 2004, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and of the Hague Conventions, No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption, and No. 28 on the Civil Aspects of International Child Abduction, in 1998 and 2001, respectively.

C. Factors and difficulties impeding progress in the implementation of the Convention

26. The Committee acknowledges that a series of events in the recent history of El Salvador still have an effect on the implementation of the Convention throughout the State party, in particular the two earthquakes which occurred in 2001 and caused widespread damage, leaving more than 1 million people homeless and destroying many schools. Moreover, it acknowledges that the process of national reconciliation, after 12 years of armed conflict (1980-1992), still poses difficulties.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

The Committee’s previous recommendations

27. The Committee regrets that some of the concerns it expressed and the recommendations it had made (CRC/C/15/Add.9) after its consideration of the State party’s initial report (CRC/C/3/Add.9) have not been sufficiently addressed, inter alia, those contained in paragraphs 17 (childcare services in rural and urban areas), 18 (strategies and education programmes against discrimination) and 19 (children belonging to vulnerable groups).

28. **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.**

Legislation and implementation

29. While appreciating the fact that the Convention is directly applicable in domestic legislation, the Committee is concerned that the process of legislative reform to guarantee the rights of the child and to bring legislation in full conformity with the Convention has not been completed yet.

30. The Committee urges the State party to speed up the process of legislative reform to bring its legislation into conformity with the Convention. It encourages the State party to ensure that the law on children and adolescents, which has been under consideration by the Legislative Assembly since May 2002, is adopted with the full participation of civil society, in particular of children, and that it will fully harmonize national legislation with the provisions of the Convention.

Coordination

31. The Committee notes that programmes to strengthen the protection of the rights of the child are monitored by the National Secretariat for the Family (SNF) and the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA). However, the Committee remains concerned at the lack of clear structures and mechanisms for the effective coordination of measures of implementation of the Convention.

32. The Committee recommends that the State party further strengthen the coordination, at all levels, of the implementation of the Convention, by providing the designated coordinating body within the government structure with a clear mandate and with adequate resources for its coordinating role. The State party is encouraged to seek technical assistance from, among others, UNICEF and the Inter-American Children's Institute in this regard.

Independent monitoring structures

33. The Committee is concerned that the principal independent national institutions which monitor the implementation of the Convention, namely the Office of the Procurator for the Protection of Human Rights (Human Rights Procurator's Office) and the Office of the Deputy Procurator for the Rights of the Child, do not receive sufficient funds to carry out their mandate.

34. The Committee recommends that the State party ensure that the Human Rights Procurator's Office, including the Office of the Deputy Procurator for the Rights of the Child, receives sufficient funding to carry out its mandate and that it is and remains in compliance with the Paris Principles (General Assembly resolution 48/134) and General Comment No. 2 (2002) on the role of national human rights institutions. The Committee also recommends that the State party give adequate follow-up to the recommendations of the Human Rights Procurator's Office and strengthen the linkages between the activities and complaints procedures of this office and other governmental monitoring mechanisms so as to provide effective solutions to identified problems.

National plan of action

35. The Committee notes with interest the formulation of the national plan in support of the child 2001-2010, also called the “Decade Plan”, setting out goals to be achieved by different ministries. It regrets, however, that the action plan has not been adopted yet. The Committee also notes the formulation, in 2001, of a National Policy for the Integrated Development of Children and Adolescents (PNDINA), and the setting up of a department within ISNA to promote and oversee the implementation of this National Policy. It regrets, however, the lack of information on the modalities for the integrated and coordinated implementation of the “Decade Plan” and the National Policy (PNDINA).

36. The Committee recommends that the State party accelerate the process of adopting the national plan in support of the child 2001-2010 and to ensure that it covers all areas of the Convention and takes into account the outcome document entitled “A world fit for children” adopted by the General Assembly in its resolution S-27/2. The State party should allocate sufficient resources towards its realization and the effective functioning of the body which will be tasked with its promotion, coordination and monitoring. The Committee also recommends that the State party ensure that the implementation of the National Policy for the Integrated Development of Children and Adolescents (PNDINA) and of the “Decade Plan” 2001-2010 takes place in an integrated and coordinated manner in order to achieve the optimum results.

Data collection

37. The Committee appreciates the statistical data provided on children by the State party and efforts undertaken to improve data collection. However, it remains concerned at the insufficient data in some areas covered by the Convention, including on children with disabilities, children who need special protection, and indigenous children.

38. The Committee recommends that the State party continue to strengthen its efforts to develop a system for a comprehensive collection of comparative and disaggregated data on the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex and by those groups of children who are in need of special protection. The Committee recommends that the State party develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. The State party is encouraged to seek technical assistance from UNICEF and the Inter-American Children’s Institute in this respect.

Resources for children

39. The Committee is concerned that budget allocations for children, including social services and education, are insufficient to meet the needs of all children. It notes with particular concern the existence of significant regional disparities, particularly between urban and rural areas, with regard to a range of social indicators, including education, health and income.

40. The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated to the realization of children’s rights to the “maximum extent ... of available resources”, including through international

cooperation, giving special attention to children belonging to economically disadvantaged groups. In particular, it urges the State party to ensure that the process of decentralization and devolution of technical and administrative services effectively addresses social and economic disparities between rural and urban areas.

Training/dissemination of the Convention

41. While taking note of the measures taken by the State party to instil awareness about the rights of the child, the Committee reiterates its concern that awareness of the Convention among professionals working with and for children, and the general public, especially children themselves, remains low.

42. **The Committee encourages the State party:**

(a) To strengthen, expand, and continue 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;

(b) To develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (judges, lawyers, law-enforcement officials, civil servants, local government officials, teachers, social workers, health personnel) and especially children themselves;

(c) To seek international assistance from UNICEF, the Inter-American Children's Institute, international NGOs and other international organizations.

Cooperation with NGOs

43. While taking note that the national policy for the integrated development of children and adolescents envisages enhanced cooperation between government organizations and NGOs in support of children, the Committee regrets that few NGOs were consulted during the preparation of the State party's second periodic report.

44. **The Committee encourages the State party to strengthen its cooperation with NGOs and involve them and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

2. Definition of the child

45. The Committee expresses its concern that the Family Code allows marriage to be contracted by children as young as 14 years of age, who have reached puberty or have had a child together or if the girl is pregnant.

46. **The Committee recommends that the State party review the rules regarding the possibility of concluding a marriage below the general minimum age of 18 years, with a view to increasing the minimum age for this exception and set them at the same level for boys and girls. This should be accompanied by awareness-raising campaigns and other measures to prevent early marriages.**

3. General principles

Non-discrimination

47. The Committee is concerned at the persistent discrimination faced in the State party by indigenous children, children with disabilities and girls.

48. **In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities and girls.**

Respect for the views of the child

49. While appreciating that some measures have been taken to give children's views more weight in schools, communities, and in decision-making procedures, the Committee is concerned at the persistence of traditional and authoritarian attitudes in the State party, which, among other things, limit their right to participation and to express their views.

50. **In light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them;**

(b) **Undertake national awareness-raising campaigns to change traditional authoritarian attitudes;**

(c) **Continue to strengthen children's participation in councils, forums, children's parliaments and the like;**

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

4. Civil rights and freedoms

Right to life

51. The Committee is deeply concerned about the disproportionately high number of children who are victims of crimes, violence and homicides in the State party.

52. **The Committee urges the State party to take effective measures to address the high level of crime, violence and homicides against children within the framework of strategies based on constitutional norms and the rights of the child enshrined in the Covenant. It also recommends that the State party adopt policies which aim at addressing the causes which give rise to the victimization of children.**

Preservation of identity

53. The Committee is concerned that the State party has not taken a more active role in efforts to investigate the disappearance of more than 700 children during the armed conflict between 1980 and 1992. It notes, in this regard, that the efforts which to date have led to the tracing of some 250 children have been undertaken mainly by the NGO *Pro-Búsqueda*.

54. **In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.**

Birth registration

55. The Committee is deeply concerned that an estimated 9.8 per cent of the population in the State party have not been registered at birth and do not have a birth certificate.

56. **The Committee recommends that the State party strengthen its efforts to ensure that children are registered at birth and facilitate the registration of children without birth certificates, including by overcoming the administrative and bureaucratic obstacles at all levels, providing such registration free of charge for all, and by conducting national campaigns. In addition, the Committee recommends that the State party provide every child with a birth certificate.**

Torture and other cruel, inhuman or degrading treatment or punishment

57. The Committee is deeply concerned about the incidence of torture and ill-treatment and the generalized disrespect for fundamental human rights in centres for juvenile offenders in the State party as documented by the Human Rights Procurator's Office, which has a constitutional mandate to monitor the situation of persons deprived of their liberty, in its special report of November 2003 on the conditions in centres of internment for juvenile offenders. The Committee notes with concern the inadequacy of the review procedure established under the Juvenile Offenders Act and of access to the complaint mechanisms for children whose rights have been violated. It is also concerned that the State party was not able to provide information on or give an estimate of the number of registered cases of torture and ill-treatment in such internment centres.

58. **The Committee urges the State party to take immediate and effective measures to bring an end to the occurrence of torture and other cruel, inhuman and degrading treatment in internment centres, in particular of juvenile offenders. The State party must ensure that:**

(a) **The fundamental rights and guarantees of juveniles who have committed a criminal offence set out in the Juvenile Offenders Act are respected, in particular, the prohibition, under all circumstances, of inhuman or degrading disciplinary measures,**

including: corporal punishment, detention in dark cells or solitary confinement, reduction of food rations, denial of contact with relatives, collective punishment and punishment more than once for the same disciplinary offence;

(b) The monitoring of the situation in detention centres is strengthened and that a system is established to register all reported cases of torture and ill-treatment;

(c) Effective mechanisms to investigate and prosecute cases of torture and ill-treatment are created;

(d) Personnel working with juvenile offenders duly comply with the law and are properly trained and informed about their role and responsibilities;

(e) Disciplinary measures and other appropriate legal action are taken against personnel who have undertaken or authorized inhuman or degrading treatment;

(f) Preventive programmes are implemented to address the problems identified in the report of the Human Rights Procurator's Office;

(g) An integrated programme to prevent and eliminate institutional violence is implemented.

5. Family environment and alternative care

59. The Committee is concerned about the high number of children who are placed in public and private institutions and care centres.

60. **The Committee recommends that the State party develop a strategy to reduce the number of children living in care institutions, including through policies to strengthen and support the family, and ensure that placement of children in institutions is only used as a last resort.**

Adoption

61. In light of the fact that the number of intercountry adoptions is equivalent to that of domestic adoptions, the Committee expresses its concern that adequate priority is not given to domestic adoptions.

62. **In the light of article 21, the Committee recommends that the State party take all necessary measures to promote domestic adoptions and ensure respect for the “subsidiarity principle” so that intercountry adoption will only be considered after all possibilities for domestic alternative care have been exhausted, in accordance with the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption.**

Abuse and neglect, maltreatment, violence

63. The Committee is concerned that Salvadoran society is still characterized by high levels of violence, and notes with particular concern the high number of cases of sexual assault against minors.

64. The Committee recommends that the State party strengthen policies and programmes at all levels to prevent violence against children, inter alia, through the education system and public awareness-raising campaigns.

65. While welcoming the measures taken by the State party to combat domestic violence, the Committee remains concerned at persistent large-scale abuse and violence within the family as well as the prevalence of corporal punishment.

66. The Committee recommends that the State party strengthen current efforts to address the problem of domestic violence and child abuse, including through:

(a) Ensuring the effective implementation of the Domestic Violence Act, including the elimination of corporal punishment;

(b) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline;

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

(d) Providing adequate protection to child victims of abuse in their homes.

6. Basic health and welfare

Children with disabilities

67. The Committee notes with appreciation that a number of measures have been taken by the State party to improve the situation of children with disabilities, particularly the adoption of the Equality of Opportunity Act and Policy in 2000 and the establishment of the National Council on integral care of persons with disabilities. The Committee regrets, however, the lack of official data on the number of children with disabilities in the State party and that discrimination against children with disabilities still exists. Furthermore, despite the adoption of policies for the accessibility of education to children with special educational needs, the Committee notes with concern that a high number of children with disabilities do not attend any form of school education, especially in rural areas.

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

(a) To address all issues of discrimination, including social discrimination and discrimination against children with disabilities in rural areas;

(b) To collect accurate statistical data on children with disabilities;

(c) To ensure and monitor implementation of the Equality of Opportunity Act and Policy and to take into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96);

(d) To provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.

Highest attainable standard of health

69. The Committee expresses its concern about the potential negative impact of international trade-related intellectual property agreements on access to affordable medicines.

70. The Committee recommends to the State party that it systematically consider the best interests of the child when negotiating trade-related intellectual property rights and implementing them into national law. In particular, the State party should conduct an assessment of the impact of international intellectual property rights agreements on the accessibility of affordable generic medicines, with a view to ensuring children's enjoyment of the highest attainable standard of health.

71. The Committee welcomes the improvement of primary health care, which has led to a decrease in infant mortality from 35 per thousand live births in 1998 to 25 in 2003. It is, however, concerned that infant mortality rates and other health indicators are significantly worse in some departments of the State party. It also notes with concern that the incidence of anaemia has increased, affecting 19.8 per cent of children below the age of 5 and about 10 per cent of mothers, in particular in rural areas. Furthermore, the Committee is concerned at the low prevalence of breastfeeding.

72. The Committee recommends that the State party continue to strengthen its efforts in improving the health situation of children in the State party and eliminating all restrictions on the access to quality health services in all areas of the country, in particular rural areas, so as to level out health disparities. Furthermore, the State party is requested to improve the nutritional status of children and to encourage exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter.

Adolescent health

73. The Committee is concerned about the high number of teenage pregnancies and the lack of programmes on sexual and reproductive health. It also regrets the lack of available information on sexually transmitted infections (STIs) and drug, alcohol and tobacco abuse.

74. The Committee recommends that the State party pay close attention to adolescent health, taking into account General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, it is recommended that the State party strengthen sexual and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of STIs and teenage pregnancies, and to provide teenage pregnant girls with the necessary assistance and access to health care and education.

HIV/AIDS

75. While appreciating efforts made by the State party to provide free access to antiretroviral drugs, the Committee expresses its concern about the increasing incidence of HIV/AIDS in the State party, and the high number of children who are infected with HIV or have become AIDS orphans.

76. **The Committee refers the State party to its General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and recommends that the State party reinforce its efforts to combat HIV/AIDS, including through:**

- (a) **Preventive programmes;**
- (b) **Undertaking a comprehensive study to assess the prevalence of HIV/AIDS, including the number of children affected by HIV/AIDS;**
- (c) **Developing child-sensitive and confidential counselling, care and reintegration facilities that are accessible without parental consent when this is in the best interests of the child; and**
- (d) **Seeking technical cooperation from, among others, UNFPA, UNICEF, the Inter-American Children's Institute, WHO and UNAIDS.**

Social security and childcare services and facilities/standard of living

77. The Committee notes with concern the persistent high rate of poverty in the State party, especially in rural areas and growing disparities between rich and poor.

78. **The Committee recommends that the State party formulate a comprehensive national strategy to reduce poverty, targeting the most disadvantaged regions and groups and ensuring that the needs of all children are met, and seek international cooperation and assistance whenever it is necessary.**

7. Education, leisure and cultural activities

Education, including vocational training and guidance

79. The Committee welcomes the progressive increase in elementary education coverage in recent years and the elimination by law, in October 2003, of the so-called voluntary fees, which used to be levied in elementary education. However, it is concerned at persisting gaps between urban and rural areas in coverage and quality of education; high drop-out rates, particularly among rural children; persistent high illiteracy rates among children in rural areas, particularly among girls; and the lack of additional funds allocated for education to address the needs that were previously met by voluntary fees. The Committee is also concerned that pregnant adolescents face discrimination in access to education, that only 40 per cent of students proceed to high school after elementary education and that, despite a gradual increase over the last years, the percentage of children between 4 and 6 attending pre-school education remains low. The lack of access to educational and vocational programmes of juvenile offenders is also a cause for concern.

80. **The Committee encourages the State party:**

- (a) To ensure sufficient funding to ensure free primary education of good quality;**
- (b) To strengthen efforts to bridge the gaps in coverage and quality of education, including vocational training, throughout the country, giving special attention to promoting education of rural girls;**
- (c) To take measures to identify the causes of the high drop-out rate in primary schools, particularly in rural areas, and take steps to address the situation;**
- (d) To strengthen non-formal educational and vocational programmes for children who do not attend or complete regular school education;**
- (e) To ensure that pregnant adolescents are not prevented from continuing their schooling;**
- (f) To ensure that juvenile offenders have access to adequate educational and vocational programmes in detention centres and that teachers who educate juvenile offenders receive adequate specialized training;**
- (g) To expand pre-school services with the assistance of communities at the local levels;**
- (h) To take steps to increase the quality of teaching methods and provide adequate training to teachers, including on how to handle “learning difficulties” of children;**
- (i) To ratify the 1960 UNESCO Convention Against Discrimination in Education.**

Aims of education

81. The Committee welcomes the preparation of the national education plan for human rights education through a national consultative process and with technical assistance from UNICEF, UNESCO and the Office of the United Nations High Commissioner for Human Rights in El Salvador. It regrets, however, that the implementation of the national plan has not yet begun as it has still not been officially adopted.

82. **The Committee recommends that the State party adopt and implement the national education plan for human rights education, taking into account the Committee’s General Comment No. 1 on the aims of education.**

8. Special protection measures

Economic exploitation

83. While welcoming the measures taken by the State party to combat the worst forms of child labour, the Committee notes with concern that child labour continues to be widespread in El Salvador. The Committee is particularly concerned about the high number of child domestic workers, who are vulnerable to abuse and hindered in continuing their education, and about children working in sugar cane plantations and in other hazardous conditions.

84. **The Committee urges the State party to continue to strengthen measures to combat child labour. It recommends, in this regard, that the State party strengthen the labour inspectorate, financially and technically, in order to ensure the effective implementation of child labour laws, including the prohibition against employing children in harmful or hazardous work. The State party is encouraged to give priority to addressing the vulnerable situation of child domestic workers and to consider including this form of child labour in the National Plan for the Progressive Elimination of the Worst Forms of Child Labour 2002-2005, and to continue to seek assistance from ILO/IPEC.**

Sexual exploitation and trafficking

85. The Committee is concerned about the extent of sexual exploitation and trafficking in the State party and about the lack of effective programmes to address this problem. It also regrets the lack of information on assistance and reintegration programmes for children who have been subject to sexual exploitation and trafficking.

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

(a) Strengthen measures and adopt multidisciplinary and multisectoral approaches to combat sexual exploitation of children and adolescents;

(b) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers;

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

(d) Ensure that trafficked children and children who have been subjected to sexual exploitation are always treated as victims;

(e) Ensure that perpetrators are prosecuted;

(f) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(g) Collaborate with non-governmental organizations working on these issues and seek technical assistance from, among others, the Inter-American Children's Institute and UNICEF.

Administration of juvenile justice

87. The Committee welcomes the establishment of a separate system of juvenile justice under the Juvenile Offenders Act of 1994 applicable to children below the age of 18. The Committee notes that the Act stipulates that services must be provided free of charge and that the staff of juvenile courts must be specially qualified and include a psychologist, a social worker and an educator. It also notes that juvenile courts are required to review the sentences imposed on minors every three months with a view to ensuring that the circumstances in which the sentence is being served are not affecting the process of reintegration of the child into society. The Committee is, however, concerned that the law is not adequately implemented in practice.

88. In the light of articles 37 and 40 and other relevant international standards, the Committee recommends that the State party:

(a) 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 Guidelines for Action on Children in the Criminal Justice System;

(b) Allocate adequate human and financial resources to ensure the full implementation of the Juvenile Offenders Act;

(c) Provide training on the Juvenile Offenders Act to those responsible for administering juvenile justice;

(d) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time and encourage the use of alternative measures to the deprivation of liberty;

(e) Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the Inter-American Children's Institute and UNICEF.

89. The Committee is deeply concerned that measures taken under the so-called "Tough Hand Plan" (*Plan Mano Dura*), adopted in July 2003, and the Anti-Gang Laws, in force since October 2003, including the second Anti-Gang Law (*Ley para el combate de las actividades delincuenciales de grupos o asociaciones ilícitas especiales*) of 1 April 2004, are in breach of the Convention. The Committee expresses concern at, inter alia, the notion of a "capable minor" (*menor habilitado*), which provides for the possibility of prosecuting a child as young as aged 12, as an adult; and the fact that the law criminalizes physical features, such as the use of signs or symbols as a means of identification and the wearing of tattoos or scars. Moreover, the

Committee is concerned that the Anti-Gang Laws undermine the Juvenile Offenders Act by introducing a dual system of juvenile justice. The Committee also expresses concern at the large number of children who have been detained as a consequence of the “Tough Hand Plan” and the Anti-Gang Laws, and regrets the lack of social and educational policies to address the problems of gang involvement and violence and crime among adolescents.

90. The Committee urges the State party to immediately abrogate the second Anti-Gang Law and to apply the Juvenile Offenders Act as the only legal instrument in the area of juvenile justice. The Committee reaffirms the State party’s obligation to ensure that measures taken to prevent and combat crime are fully in conformity with international human rights standards and based on the principle of the best interests of the child. It recommends that the State party adopt comprehensive strategies which are not limited to penal measures but also address the root causes of violence and crime among adolescents, in gangs and outside gangs, including policies for social inclusion of marginalized adolescents; measures to improve access to education, employment and recreational and sports facilities; and reintegration programmes for juvenile offenders.

9. Ratification of the two optional protocols

91. The Committee encourages the State party to ratify the Optional Protocol on the sale of children, child prostitution and child pornography in addition to the Optional Protocol on the involvement of children in armed conflict, ratified by the State party in May 2002.

10. Dissemination of the report

92. In the 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 thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and the general public, including concerned non-governmental organizations.

11. Next report

93. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States’ responsibilities to children under the Convention includes ensuring that the Committee has regular opportunities to examine the progress made in the Convention’s implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its next periodic report by 1 September 2007,

due date of the fourth periodic report. This report, which combines the third and fourth periodic reports, should not exceed 120 pages (see CRC/C/118), and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

Concluding observations: Panama

94. The Committee considered the second periodic report of Panama (CRC/C/70/Add.20), submitted on 27 March 2002, at its 951st and 952nd meetings (see CRC/C/SR.951 and 952), held on 19 May 2004, and adopted, at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

95. The Committee welcomes the submission of the State party's second periodic report, as well as the detailed written replies to its list of issues (CRC/C/Q/PAN/2) which, although submitted late, permitted a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue.

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

96. The Committee notes with appreciation the adoption of laws and the establishment of various mechanisms aimed at protecting and promoting the rights of children such as:

- (a) The creation of the Ministry of Youth, Women, Children and Family Affairs (1997);
- (b) The establishment of the Committee for the Elimination of Child Labour and the Protection of Child Workers (1997);
- (c) The establishment of the Consejo Nacional de la Niñez y la Adolescencia (National Council for Childhood and Adolescence) (2003);
- (d) The National Plan of Action for Children and Adolescents (Panama 2003-2015);
- (e) Law No. 38 on domestic violence and children and adolescent mistreatment (2001);
- (f) Law No. 40 and its amendments concerning the system of juvenile justice;
- (g) The enactment of the laws establishing the indigenous *comarcas* (territorial districts of the indigenous peoples) of the Kuna of Madungandi (1996), the Ngobe-Buglé (1997) and the Kuna of Wargandi (2000).

97. The Committee welcomes the ratification of a number of human rights-related instruments such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child

prostitution and child pornography; the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2000; and the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption in 1998.

C. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

98. The Committee notes with satisfaction that various of its concerns expressed and recommendations (CRC/C/15/Add.68) made upon the consideration of the State party's initial report (CRC/C/8/Add.28) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, non-discrimination (para. 26), training and education for professionals working with or for children (paras. 27 and 32), child labour (para. 33), sexual abuse and domestic violence (para. 35) and juvenile justice (para. 36) have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

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

Legislation

100. The Committee acknowledges the legislative activities over the past five years (resulting in various laws and/or amendments to existing laws), but is concerned at the lack of a comprehensive legislative policy regarding the implementation of children's rights. In this regard it welcomes the information that a comprehensive code for children is being drafted. The Committee also regrets that the lack of financial resources hampers the implementation of legislation, in particular the new juvenile penal procedures (1999).

101. **The Committee recommends that the State party develop and implement a comprehensive legislative policy to integrate in domestic laws the provisions and principles of the Convention. It further recommends that the State party expedite the promulgation of a comprehensive code for children through a participatory process that includes the civil society, in particular children.**

Coordination

102. The Committee notes the creation in 1997 of the Ministry of Youth, Women, Children and Family Affairs responsible, inter alia, for the coordination of policies, plans and programmes for children. However, the Committee is concerned that the heterogeneity of the many institutions and the weak coordination between economic and social policies seriously hamper effective implementation of the Convention (CRC/C/70/Add.20, see paragraphs 57-59).

103. **The Committee recommends that the State party undertake all necessary measures to strengthen the Ministry of Youth, Women, Children and Family Affairs in order that it can play its role as an effective mechanism of coordination of all policies, plans and programmes for the implementation of the Convention.**

National Plan of Action

104. The Committee welcomes the launching of the National Plan of Action in November 2003 and the establishment of the National Council for Children and Adolescent Rights, but is concerned about the lack of a comprehensive national policy to promote and protect the rights of the child.

105. **The Committee recommends that the State party take all necessary measures, inter alia, by providing adequate human, financial and other resources, for the full implementation of the National Plan of Action and ensure that the National Council performs its role, in particular with regard to the implementation of the Convention, in the most effective and efficient manner. It also recommends the adoption of a comprehensive national policy to promote and protect the rights of the child.**

Independent monitoring

106. The Committee notes the fact that children can file individual complaints about a possible violation of their rights with the National Council for Children and Adolescent Rights or the Children's Delegate in the Ombudsperson's Office or the Ministry of Youth, Women, Children and Family Affairs. But the Committee is concerned at the lack of coordination between these bodies, the limited access of children and their families to this service and the effectiveness of these complaint procedures. In addition, the Committee is concerned about the lack of clarity concerning the monitoring role of each of these bodies.

107. **The Committee recommends that the State party establish a single independent and effective mechanism for the monitoring of the implementation of the Convention; this mechanism could be the Children's Delegate with an adequate number of local branches. This mechanism should be provided with adequate human and financial resources and easily accessible to children. It 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, in accordance with the Committee's General Comment No. 2 (2002) on national human rights institutions.**

Resources for children

108. The Committee is concerned about the lack of information on social investments and that resources allocated for children in the national budget are insufficient to respond to national and local priorities for the protection and promotion of children's rights.

109. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by:**

(a) Prioritizing budgetary allocations at the national and local levels in the context of decentralization 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

(b) Identifying the amount and proportion of the State budget spent on children in the public, private and NGO sectors in order to evaluate the impact and effect of the expenditures and also the accessibility, the quality and the effectiveness of the services for children in the different sectors.

Data collection

110. The Committee acknowledges the newly created Integrated System of Indicators for Development and the data collection by, inter alia, the centre for information and the Social Cabinet, but it is concerned about the continuing insufficiency of measures to collect disaggregated statistical data and other information on the situation of children belonging to the most vulnerable groups, in particular girls, street children, disabled children, children living in rural areas, refugees, asylum-seekers and indigenous children.

111. **The Committee reiterates its recommendation to the State party that it give priority attention (e.g. by strengthening existing mechanisms) to the development of a system of collection of data disaggregated by age, gender, rural/urban area and social ethnic origin, and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society, in order to evaluate progress achieved and difficulties hampering the realization of children’s rights. The State party should consider seeking technical assistance from UNICEF, among others.**

Dissemination and training

112. The Committee welcomes the training activities undertaken by the State party for teachers, judges, police officers and officials at correctional institutes. However, it remains concerned about traditional attitudes towards children and adolescents in society and that children, as well as many professionals working with and for them, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

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

(a) Strengthen public awareness campaigns on the Convention aimed at the general public and specifically at children;

(b) Continue to carry out systematic education and training on the principles and provisions of the Convention for all professionals working with and for children, in particular teachers, judges, parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, immigration officers, mass media personnel, health personnel, including psychologists, and social workers.

2. Definition of the child

114. The Committee expresses its concern that the Family Code allows marriage to be contracted by children as young as 14 if they have reached puberty or have had a child together or if the girl is pregnant.

115. **The Committee recommends that the State party review the rules governing the contracting of marriage between children under 18, with a view to increasing the minimum age for marriage between under-age children who have had children together. This age should be the same for boys and girls. Awareness-raising campaigns and other measures should be undertaken to prevent early marriages.**

3. General principles

Non-discrimination

116. The Committee is deeply concerned about the long-existing and grave disparities, inter alia, in the standard of living, access to basic social services like education, health, clean (drinkable) water and sanitation, and between different groups of the population, in particular those living in urban and rural areas. These hamper the enjoyment of rights, in particular by children in rural areas and indigenous children.

117. The Committee reiterates its concern that societal discrimination persists against girls, children belonging to indigenous, minority and other marginalized groups, children with disabilities, children of migrant workers and refugees.

118. **The Committee reiterates its recommendation that the State party take measures aimed at developing a culture of human rights and at changing attitudes towards children in general and children belonging to indigenous groups in particular. The Committee also recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against girls, children and adolescents belonging to marginalized groups, indigenous children, children with disabilities, other minorities, refugee children and children of migrant workers, through, inter alia, public education and awareness campaigns.**

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

Respect for the views of the child

120. The Committee welcomes the efforts made by the State party to promote respect for the views of the child. The Committee remains concerned that traditional attitudes towards children in society limit the effective respect for their views within the family, the schools, other institutions and society at large.

121. **The Committee recommends that the State party, in accordance with article 12 of the Convention:**

(a) Promote and facilitate respect for the views of children, and their participation in all matters affecting them, by courts and administrative bodies and in families, schools and other institutions;

(b) Provide educational information to, inter alia, parents, educators, government administration officials, the judiciary and society at large on children's right to have their views taken into account and to participate;

(c) Undertake a regular review of the extent to which children's views are taken into consideration, in particular children from vulnerable groups such as indigenous and poor children, and of the impact this has on policies, programmes and on children themselves.

4. Civil rights and freedoms

Birth registration/right to identity

122. The Committee is concerned about the difficult access to birth registration procedures, which particularly affect children of African descent, indigenous children and children living in rural areas and in border areas with Colombia and Costa Rica.

123. **The Committee recommends that the State party review the efficiency of the birth registration system to ensure that births are registered in rural and indigenous areas and among refugee and asylum-seeking children and children born out of wedlock, and take all necessary measures to harmonize the activities of the different governmental agencies and institutions involved in birth registration.**

Implementation of articles 13 to 17 of the Convention

124. The Committee regrets the lack of specific information about the implementation of the civil rights of children (arts. 13-17). The Committee is also concerned at reports that marginalized poor adolescents have been arrested, ill-treated and/or detained, apparently without legal basis, when gathering together.

125. **The Committee urges the State party to provide in its next report specific information about the implementation of these rights and to protect adolescents against illegal arrest, detention and ill-treatment.**

Corporal punishment

126. While welcoming the prohibition of corporal punishment and other forms of violence against children by the adoption of Law 38 on domestic violence and mistreatment of children and adolescents, which allows for the removal of the alleged perpetrator of violence against the child from the home, the Committee is concerned at the lack of specific measures for its full implementation.

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

(a) For the full implementation of Law 38, inter alia, through public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes about corporal punishment, and to promote positive, non-violent forms of discipline in the family, the schools and other institutions as an alternative to such punishment;

(b) To strengthen complaints mechanisms for children in institutions to ensure that complaints of ill-treatment are dealt with effectively and in a child-sensitive manner by an independent body;

(c) To ensure sufficient financial and other resources for the effective implementation of this law.

5. Family environment and alternative care

128. The Committee welcomes the activities of Family Committees and the support that the Institute for the Training and Use of Human Resources provides to families via scholarships, but is concerned about the insufficient social and economic policies, plans and programmes to support parents to fulfil their responsibilities. It is also deeply concerned at the many problems poor families and female-headed households face, which may result in neglect and abandonment of children, and the fact that many children lack the moral and economic support of their fathers.

129. **The Committee urges the State party to develop and implement a comprehensive policy for the family to protect their children's rights which would include:**

(a) Measures to strengthen the competence of parents and to provide them with the necessary material assistance and support in that regard, with particular attention to poor families and female-headed households;

(b) Measures to make fathers more aware of their parental responsibilities and to ensure that they provide the necessary financial child support;

(c) Measures to provide children who cannot be raised by their natural parents with an alternative family environment by organizing an effective system of good quality foster care, including kinship care;

(d) Measures to ensure that children in institutions are enjoying the rights enshrined in the Convention and that their situations are effectively monitored and regularly reviewed in order to make their stay in those institutions as short as possible;

(e) Provision of decentralized services accessible and affordable to families, e.g. at the local level, which give them support, inter alia on conflict mediation, for maintenance of the child, particularly in cases where the father does not or cannot provide for that maintenance; and

(f) Measures to facilitate family reunification of refugee children.

Adoption

130. The Committee welcomes the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 but is concerned that there is still a need for more effective measures to guarantee adoption procedures respectful of the rights of the child and to prevent the abuse of adoption, e.g. for trafficking of children.

131. In light of article 21 of the Convention, the Committee recommends that the State party take all necessary measures to regulate and monitor national and intercountry adoptions, e.g. through the effective implementation of the Hague Convention, and that adequate training be provided to concerned professionals.

Child abuse and neglect

132. While the Committee notes the measures undertaken to improve reporting of child abuse, it is concerned that recovery and counselling services for victims are insufficient to meet the increased demand for such services.

133. The Committee reiterates the following recommendations to the State party:

(a) That effective public awareness campaigns be developed and that measures be adopted to provide information, parental guidance and counselling with a view, inter alia, to preventing violence against their children, including the use of corporal punishment;

(b) That more training be provided to law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner;

(c) That all victims of violence have access to counselling and assistance with their recovery and reintegration.

6. Basic health and welfare

Children with disabilities

134. The Committee welcomes the establishment of the National Council for Comprehensive Care of Disabled Minors and the executive decree establishing regulations for the inclusive education of individuals with special education needs. But it expresses concern about the lack of detailed statistical information, and that the children with disabilities living in indigenous rural areas do not have adequate access to services such as health and education. The Committee is also concerned at the lack of information on the integration of children with disabilities in different sectors such as education, sports and socio-cultural activities.

135. The Committee recommends that the State party, taking into account 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), ensure adequate collection of statistical information, pay special attention to children with disabilities in rural and indigenous areas and take all necessary measures

to integrate children with disabilities in mainstream schools, social/cultural activities and sports.

Health and health services

136. The Committee welcomes the considerable reduction in levels of child mortality and the eradication of several communicable diseases, but is concerned that this progress has not been accompanied by a similar reduction in the rate of maternal mortality and that there is a significant discrepancy in the mortality indicators between urban and rural areas. The Committee is concerned that breastfeeding is not widely used.

137. The Committee strongly recommends that the State party continue to strengthen its efforts in health reform, in particular with regard to primary health care, ensuring accessibility of quality health care in all areas in the country, including far-reaching programmes, training of local villagers in safe midwifery and providing adequate prenatal care. The Committee further recommends that the State party encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter.

Adolescent health

138. While noting the legislation (e.g. Law 29 on the health and education of pregnant teenagers, 2002) on the protection of pregnant teenagers and the programme on responsible parents, the Committee is concerned at the high prevalence of teenage pregnancies and STIs and at the lack of significant measures taken to prevent these problems. The Committee is further concerned at the lack of adequate programmes for reproductive health, sex education, family planning and mental health.

139. The Committee recommends that the State party ensure adequate adolescent health services, as stated in its General Comment No. 4 (2003) on adolescent health, implementing in particular programmes on reproductive health, sex education and family planning. The Committee further recommends that the State party implement programmes on mental health.

HIV/AIDS

140. While appreciating the efforts made by the State party to provide free access to antiretroviral drugs, the Committee expresses its concern about the increasing incidence of HIV/AIDS in the State party and the high number of children who are infected with HIV.

141. The Committee refers the State party to its General Comment No. 3 on HIV/AIDS and the rights of the child (2003) and recommends that it strengthen efforts to combat HIV/AIDS, including through:

- (a) Preventive programmes;**
- (b) Undertaking a comprehensive study on the prevalence and negative impact of STIs and HIV/AIDS, including the number of children affected;**

(c) Developing child-sensitive and confidential counselling, care and reintegration facilities that are accessible without parental consent when this is in the best interests of the child; and

(d) Seeking technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Standard of living

142. The Committee notes with concern the persistent high rate of poverty in the State party, especially in rural areas, and the growing disparities between rich and poor.

143. The Committee recommends that the State party formulate a comprehensive national strategy to reduce poverty, targeting the most disadvantaged regions and groups and ensuring that the needs of all children are met, seeking international cooperation and assistance whenever necessary.

7. Education, leisure and cultural activities

144. While noting the State party's efforts to improve the educational system and noting with satisfaction the improvements mirrored in education indicators, the Committee remains concerned at the persisting disparities in access to education of vulnerable children, inter alia, children living in rural areas, indigenous children and refugee children, who do not have access to adequate education in terms of their cultural values and identity. The Committee is also concerned at the low level of retention and completion, especially among youth in secondary education. The Committee is concerned as well at the low quality of the infrastructure of the educational process.

145. The Committee recommends that the State party allocate financial and human resources in order:

(a) To put special emphasis on the elimination of illiteracy;

(b) To promote pre-school, primary and secondary education with a view to universal coverage;

(c) To pay special attention to the needs of vulnerable children, e.g. girls, indigenous and refugee children, working and street children, in order to fulfil their basic right to education;

(d) To upgrade the infrastructure of the educational system (building more schools, improving existing schools, upgrading training, paying teachers an adequate wage, adopting interactive learning methods to fight school dropout and repetition); and

(e) To offer more facilities for non-formal learning and vocational training, including for children who have not completed primary and secondary education.

8. Special protection measures

Refugee and asylum-seeking children

146. The Committee welcomes the ratification of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the State party's cooperation with UNHCR. The Committee is concerned about the lack of information on the situation of refugee and asylum-seeking children and on the implementation of and follow-up to its previous recommendations.

147. The Committee reiterates its recommendation that the State party ensure adequate protection of refugee children, including in the fields of education, health and social services, and cooperate in a constructive and effective manner with UNHCR in this regard.

148. The Committee recommends that the State party take action to regularize the situation of those children of Colombians under temporary protection in Darien who were born in Panama and to facilitate their naturalization. It also recommends full respect for the principle of non-refoulement and, whenever deportations are permissible under international law, that they be carried out in such a way as to avoid separating children from their parents. The State party should consider revising the current practice of restricting the freedom of movement of those Colombians under temporary protection, especially the young people.

Economic exploitation, including child labour

149. The Committee welcomes the efforts made by the State party to reduce child labour and the ratification of ILO Conventions No. 138 and No. 182. The Committee remains concerned about the high number of children involved in labour, mainly as domestic and rural workers (in sugar cane plantations), and that the State party has not adequately enforced child labour provisions.

150. The Committee recommends that the State party:

(a) Ensures the full implementation of the child labour provisions and take all necessary measures to prevent child labour, in rural as well as urban areas (child domestic workers);

(b) Develop preventive measures that target those soliciting and providing sexual services, including materials on the legislation concerning the sexual abuse and exploitation of minors, and education programmes, including programmes in schools on healthy lifestyles;

(c) Increase the number of trained labour inspectors and trained professionals providing psychological counselling and other recovery services to victims;

(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner.

Sexual exploitation/trafficking

151. The Committee welcomes the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. It remains concerned that sexual exploitation and abuse continue to be serious problems and that the victims of sexual exploitation do not have access to appropriate recovery and assistance services. The Committee also remains concerned about the lack of data to determine the real dimension of the problem of child abuse and sexual exploitation and about the insufficient measures to prevent and combat trafficking of children.

152. The Committee recommends the adoption and effective implementation of adequate legislation to prevent and combat trafficking, sexual exploitation and pornography involving children. It also recommends the provision of sufficient financial resources for the implementation of the activities promoted by the new National Committee against Commercial Sexual Exploitation. The Committee further recommends that the State party:

(a) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers;

(b) Ensure that trafficked children and children who have been subjected to sexual exploitation are always treated as victims and that perpetrators are prosecuted;

(c) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Juvenile justice

153. The Committee is concerned that insufficient efforts have been made by the State party in reviewing its juvenile justice system to bring it into full conformity with the Convention and other related international instruments. It is also concerned, inter alia, that Law 46 establishes a regime more severe in the field of penal responsibility of adolescents, in particular increasing the maximum period of preventive detention from two to six months with the possibility to extend it to one year.

154. The Committee recommends that the State party continue its efforts to reform the legislation concerning the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

155. As part of this reform, the Committee particularly recommends that the State party:

- (a) **Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special facilities for children with conditions suitable to their age and needs and by ensuring the existence of social services in all those facilities, and guarantee separation from adults in all pre-trial and other detention centres;**
- (b) **Investigate, prosecute and punish any case of mistreatment committed by law enforcement personnel, including prison guards, and establish an independent, child-sensitive and accessible system for dealing with complaints from children;**
- (c) **Ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child was detained and where he/she is being held;**
- (d) **Introduce regular medical examination of children by independent medical staff;**
- (e) **Make every effort to establish a programme of recovery and social rehabilitation of juveniles following judicial proceedings;**
- (f) **Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);**
- (g) **Request technical assistance in the area of juvenile justice and police training from, among others, UNICEF.**

Children belonging to a minority or indigenous group

156. The Committee, acknowledging the adoption of the new legislation creating three indigenous *comarcas*, remains concerned that lack of economic resources is an obstacle to developing specific programmes on education, health and social services for indigenous children. The Committee is also concerned about the preservation of the identity of indigenous children since bilingual education remains a challenge in indigenous areas and education lacks resources of all kinds.

157. **The Committee recommends that the State party take all necessary measures to ensure that indigenous children enjoy all their rights without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation. The Committee also recommends that the State party, with the full participation of indigenous communities and children, develop public awareness campaigns, including through the mass media, to combat negative attitudes and misperceptions about indigenous children. The Committee also recommends that the State party pay particular attention to guarantee the preservation of the identity of indigenous and Afro-Panamanian children, e.g. by the implementation of the national plan to develop bilingual intercultural education.**

9. Dissemination of documents

158. **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

10. Next report

159. **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 Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 10 January 2008, the due date for the submission of the fourth report. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

Concluding observations: Rwanda

160. The Committee considered the second periodic report of Rwanda (CRC/C/70/Add.22) at its 953rd and 954th meetings (see CRC/C/SR.953 and CRC/C/SR.953), held on 21 May 2004, and adopted at the 971st meeting (see CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

161. The Committee welcomes the submission of the State party's second periodic report,¹ 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/RWA/2). 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.

¹ Rwanda's initial report (CRC/C/8/Add.1) was considered by the Committee on 5 February 1993. At the time, the Committee requested Rwanda to prepare a new and more comprehensive initial report to be submitted within one year (see CRC/C/15/Add.12). This new initial report has never been submitted to the Committee.

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

162. The Committee welcomes:

(a) The adoption of the 2003 Constitution which contains provisions on human rights, including children's rights;

(b) The adoption of the National Policy for Orphans and Other Vulnerable Children (2003);

(c) The adoption of Law 27/2001 on the Rights of the Child and Protection of Children against Violence;

(d) The adoption of a National Health Policy (2002) and of Vision 2020;

(e) The establishment of the National Human Rights Commission in 1999;

(f) The ratification of the African Charter on the Rights and Welfare of the Child;

(g) The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000; and

(h) The ratification of the two Optional Protocols to the Convention on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.

C. Factors and difficulties impeding the implementation of the Convention

163. The Committee notes that the genocide which occurred in 1994 has long-term negative consequences on the implementation of the Convention and that the lives of all children have been seriously affected during that event and its aftermath. The Committee also notes that, since the Convention was ratified, there has been a serious deterioration in the socio-economic conditions in the State party, aggravated by the genocide.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

164. The Committee is concerned that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse and other relevant pieces of legislation are not fully implemented. The Committee is also concerned that the legislation relevant to children's rights, including customary law, is not fully compatible with the provisions and principles of the Convention.

165. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention on the Rights of the Child and is fully implemented. In that respect, the Committee also encourages the State party to expedite the enactment of a comprehensive children's code.

Coordination

166. The Committee notes that the former Ministry of Gender and the Family was responsible for children's issues and that the National Programme for Children, established in 1997, is now responsible for coordinating programmes and policies regarding children. The Committee is concerned at this transfer of responsibility and that the limited financial and human resources allocated to the National Programme for Children do not allow for it to be carried out efficiently and effectively.

167. The Committee recommends that the State party take all necessary measures to provide the National Programme for Children with adequate human, financial and other resources, with a clear mandate and with sufficient authority to carry out its mission. The Committee further recommends that the State party ensure the stability and strengthen the capacity of the ministry principally in charge of the coordination of the implementation of the Convention at the local and national levels and seek technical assistance in this regard from, among others, UNICEF.

National plan of action for children

168. Despite the recent adoption of the National Policy for Orphans and Other Vulnerable Children (2003) and the sectoral plan for HIV/AIDS and youth, the Committee is concerned that no national plan of action for all children for the decade 2001-2010, fully based on the Convention, has been adopted.

169. The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a national plan of action for children that covers all areas of the Convention and includes the Millennium Development Goals and fully reflects "A world fit for children", allocate the necessary human and financial resources for its full implementation, and seek international assistance from UNICEF in that regard.

Independent monitoring structures

170. The Committee welcomes the establishment of the National Human Rights Commission in 1999, which also accepts and investigates complaints regarding the violation of children's rights. However, the Committee is concerned that the Commission has insufficient human and financial resources to deal effectively with its volume of work at the national and local levels.

171. The Committee recommends that the State party, in accordance with the Committee's General Comment No. 2 on national human rights institutions:

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

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

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

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

Resources

172. The Committee notes the priority given by the State party to increasing the budget allocated to social services and the adoption of the poverty reduction strategy paper (PRSP) (2002), but is concerned that insufficient attention has been paid to article 4 of the Convention regarding the allocation of funds to the "maximum extent of ... available resources" to implement the economic, social and cultural rights of children. In particular, the Committee is concerned about the decrease in financial resources for health and education.

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

(a) Make every effort to increase the proportion of the budget allocated to the realization of children's rights and, in this context, ensure the provision of appropriate human resources, and to guarantee that the implementation of child policies regarding children are a priority at national and local level within the context of decentralization and privatization;

(b) Make respect for the implementation of children's rights a primary consideration in the implementation of the PRSP; and

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

Data collection

174. The Committee is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children, including orphaned, abandoned and disabled children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

175. **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, including orphaned, abandoned and disabled children. It encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

Cooperation with civil society

176. While taking note of the role of non-governmental organizations in the provision of services, the Committee is concerned that insufficient efforts have been made to involve civil society in the full implementation of the Convention and the reporting process.

177. The Committee recommends that the State party systematically involve non-governmental organizations and other elements of civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting of the next report to the Committee.

Training and dissemination

178. The Committee is aware of the measures taken to promote widespread awareness of the principles and provisions of the Convention and welcomes the translation of booklets into Kinyarwanda, but is concerned that these measures are not sufficient. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

179. The Committee recommends that the State party:

(a) Strengthen its efforts and systematize the dissemination of the principles and provisions of the Convention in order to sensitize society about children's rights;

(b) Translate the Convention into the national language;

(c) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants at the local and national level, personnel working in institutions, teachers, health personnel, including psychologists, social workers, including traditional communities leaders and officials at the community levels; and

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

2. Definition of the child

180. The Committee is concerned about possible discrepancies between the minimum age for employment and the age limit for compulsory education and at the practice of forced and early marriage, despite the fact that legislation sets the minimum age for marriage at 18.

181. In the light of articles 1, 2, 3 and other related provisions of the Convention, the Committee recommends that the State party review its legislation with a view to eliminating discrepancies between the minimum age for employment and the age limit for compulsory education, and that it make greater efforts to enforce the requirements set out in law.

3. General principles

The right to non-discrimination

182. While acknowledging the prohibition of discrimination in the 2003 Constitution (art. 11) and taking note of the efforts of the State party to address discrimination, including the adoption of Law No. 22/99 of 12 November 1999 regarding inheritance rights for women and the development of a gender policy by the Ministry of Gender Issues and the Advancement of Women, the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by girls and children belonging to the most vulnerable groups, such as abandoned and orphan children, children with disabilities, children born out of wedlock, children living in rural areas and Pygmy children.

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

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and

(b) Prioritize and target social services for children belonging to the most vulnerable groups, including in the framework of international cooperation.

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

Best interests of the child

185. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party, as well as in administrative and judicial decisions.

186. 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 judicial and administrative decisions and in projects, programmes and services that have an impact on children.

Respect for the views of the child

187. The Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in institutions, as well as in the courts, before administrative authorities and in the society at large.

188. **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, with special attention to vulnerable groups, to participate in the family, at school and in society at large. Special emphasis should also be placed on the child's right to be heard in judicial and administrative procedures affecting him or her. This general principle should also be reflected in all laws, 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.**

4. Civil rights and freedoms

Right to an identity

189. The Committee takes note of the efforts made by the State party to re-establish the identity of a large number of children evacuated to different countries during and just after the genocide of 1994. However, the Committee is concerned that it has not yet been possible to identify many children and reunite them with their families.

190. **The Committee recommends that the State party strengthen its efforts to reunite these children with their families by facilitating the re-establishment of their identity.**

191. The Committee takes note of the introduction of the new system of birth certificate and identity card, which does not refer to ethnic origin. However, the Committee is concerned about the slow progress made in this regard.

192. **The Committee recommends that the State party strengthen its effort to ensure that all children are provided with new birth certificates and identity cards.**

Corporal punishment

193. The Committee notes that the Rwandan legislation does not include an explicit prohibition of corporal punishment and is concerned at the persistent practice of corporal punishment by parents, teachers and law enforcement officers.

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

(a) Introduce legislation explicitly prohibiting corporal punishment;

(b) Make use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and promote an alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;

(c) Investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that appropriate legal action is taken against alleged offenders; and

(d) Provide for the care, recovery and rehabilitation of child victims, in the light of article 39 of the Convention.

Torture or cruel, inhuman or degrading treatment or punishment

195. The Committee notes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits any act of torture and cruel, inhuman or degrading treatment or punishment against children, but remains concerned at the absence of a definition of those offences in the Penal Code and that Rwanda is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

196. The Committee recommends that the State party adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment and that it ratify the Convention against Torture.

5. Family environment and alternative care

Parental responsibilities

197. The Committee is concerned that a large number of single-parent and child-headed families, notably families headed by girls, face financial and other kinds of difficulties. The Committee is also seriously concerned that parents can request that a child whose conduct is not satisfactory be interned.

198. The Committee recommends that the State party:

(a) Take all necessary measures to implement the National Policy for Orphans and Other Vulnerable Children effectively and provide assistance to single-parent and child-headed families in order to support them in bringing up their children and siblings, in the light of article 18, paragraph 2, of the Convention; and

(b) Take the necessary measures to prohibit the internment of children because of their behaviour or for economic reasons.

Children deprived of a family environment

199. The Committee is deeply concerned that one third of the children in the State party are orphans. The Committee remains deeply concerned at the weakness of family links, at the large numbers of children who have been deprived of a family environment and, in particular at reports regarding the abandonment of children by parents mainly for economic reasons. The Committee is further concerned at the consequent placement of many children in institutions, where they remain in difficult living conditions and for long periods without adequate mechanisms of protection. The Committee is also concerned that placement in institutions is being resorted to in preference to developing alternative care measures (e.g. adoption and foster care).

200. The Committee recommends that the State party strengthen and increase its programmes, in collaboration with relevant NGOs, to support families in need, in

particular single-parent families and those in difficult socio-economic or other circumstances. The Committee urges the State party to make every effort to increase support, including training, for parents in order to discourage the abandonment of children. The Committee also recommends that the State party strengthen its efforts to find substitute families through fostering or adoption. The Committee further recommends that the State party ensure that the situation of children placed in institutions is periodically monitored and establish an independent and easily accessible complaint-monitoring mechanism for those children.

Adoption

201. While noting that domestic adoptions are regulated by the Civil Code and Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse, the Committee expresses concern that informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely accepted and practised within the State party. The Committee is also concerned that intercountry adoptions do not always respect the requirements of article 21 of the Convention.

202. In the light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative and legislative procedures for formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of the children concerned. In view of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal domestic adoptions and reinforce its foster care programme. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and to seek international assistance from, among others, UNICEF.

Violence, abuse, neglect and maltreatment

203. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools, care institutions and the family. Concern is also expressed about the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to prevent and combat abuse of children.

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

(a) Undertake a comprehensive study on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt laws, policies and programmes that will help change attitudes and improve the prevention and treatment of cases of violence against children;

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

(c) Properly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and both punish and provide counselling for perpetrators, having due regard to the child's right to privacy;

(d) Establish an appropriate individual complaint procedure, inform children about this mechanism and encourage them to use it;

(e) Provide services for the physical and psychological recovery and social rehabilitation of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;

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

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

6. Basic health and welfare

Children with disabilities

205. The Committee welcomes the launching of a study to assess access to education by disabled children, but remains concerned at the lack of data on such children and at the inadequate legal and de facto protection of and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

206. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee during its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), it is recommended that the State party:

(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure that such data are used in the development of policies and programmes for these children;

(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;

(c) Establish special education programmes for children with disabilities and, where feasible, integrate such children into mainstream schools and public life;

(d) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities, as well as children with mental health problems;

(e) Increase the resources, both financial and human, allocated to special education and the support to children with disabilities;

(f) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO and UNICEF.

Health and health services

207. While taking note of the adoption of, inter alia, the National Health Policy 2002 and Vision 2020, the Committee is deeply concerned at the still high infant, under-five, and maternal mortality rates and the low life expectancy in the State party. The Committee is also concerned that health services continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases and that malnutrition is an acute problem. Concerns also exist at the lack of prenatal health care.

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

(a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;

(b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;

(c) Develop the highest attainable standard of health care;

(d) Establish midwifery training programmes to ensure safe home delivery;

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

Adolescent health

209. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, substance abuse, as well as adolescents traumatized by the consequences of the genocide. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages and early pregnancies, which can have a negative impact on their health.

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

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted infections (STIs), including HIV/AIDS, and early pregnancies, especially through reproductive health education for both boys and girls;

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

HIV/AIDS

211. While noting the adoption of the 2002-2006 Strategic Plan for HIV/AIDS and the establishment of a Ministry of State in charge of HIV/AIDS, as well as of the National HIV/AIDS Commission, the Committee is extremely concerned at the very high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

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

(a) Increase its efforts to prevent HIV/AIDS, taking into account, inter alia, 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 among those belonging to vulnerable groups, and among the population at large, notably to reduce discrimination against children infected or affected by HIV/AIDS; and

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

Right to an adequate standard of living

213. The Committee is very concerned about the widespread poverty in the State party and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living.

214. **The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families, child heads of household and abandoned and orphan children and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its PRSP and all other programmes intended to improve the standard of living in the country.**

7. Education, leisure and cultural activities

215. The Committee welcomes the fact that article 40 of the 2003 Constitution provides for free and compulsory education in public schools and that enrolment rates in primary education are similar for boys and girls, but is concerned that enrolment in schools is still low and that illiteracy is widespread. The Committee is also concerned at the gender and regional disparities in attendance, the high drop-out and repeat rates, the insufficient numbers of trained teachers, schools and classrooms, and the lack of relevant teaching material. In the light of article 29, paragraph 1, of the Convention, the Committee is also concerned at the quality of education in the State party.

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

(a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities;

(b) Take the necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education;

(c) Build better infrastructure for schools and provide appropriate training for teachers and school materials;

(d) 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 on the aims of education, and introduce into the school curricula human rights, including children's rights, as well as education on peace and tolerance and environmental education;

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

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

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

Leisure and cultural activities

217. The Committee is concerned that children have insufficient opportunities to exercise their rights to leisure and cultural activities.

218. **The Committee recommends that the State party improve respect for the right of children to leisure and cultural activities, including by promoting these rights among parents, teachers and community leaders. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.**

8. Special protection measures

Children in situations of emergency

Refugee children/internally displaced persons

219. The Committee notes the recent agreements signed between the State party and UNHCR for the return of refugees, many of them children, and welcomes the large number of children who have been reunited with their families over the past years. The Committee remains concerned at the poor situation of children and their families who have returned to the State party, notably with regard to access to health services and education. The Committee is further concerned that these children are not provided with adequate physical and psychological recovery and social rehabilitation.

220. **In the light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that refugee children who returned to the State party are provided with proper documentation, facilitate family reunification and ensure the right to health and education for all these children. The Committee further recommends that the State party ensure that refugee children who returned to the State party are safe and provided with the necessary physical and psychological recovery and social rehabilitation.**

Child soldiers

221. The Committee welcomes the ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict. The Committee further welcomes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits military service for children under 18 (art. 19), but remains deeply concerned that this law does not apply for the Local Defence Forces. The Committee is further concerned at numerous reports of recruitment of children below the age of 15 years by armed groups operating in the State party or in the Democratic Republic of the Congo. The Committee is also concerned that not all former child soldiers, notably girls, are provided with the means of psychological recovery and social rehabilitation.

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

(a) **Take all necessary measures to ensure that children below the age of 18 years are not recruited in the Local Defence Forces or in any armed group on the territory of the State party;**

(b) **Make additional efforts to demobilize child soldiers and reintegrate them into their communities and provide for their full psychological recovery and social rehabilitation, paying special attention to girls; and**

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

Children in situations of exploitation

Economic exploitation, including child labour

223. The Committee welcomes the adoption of the new Labour Code, Law No. 51/2001 of 31 December 2001, but is nevertheless deeply concerned that child labour in the State party is widespread, particularly in the informal sector where children work as domestic workers, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

224. **In the light of article 32 and other related articles of the Convention, the Committee recommends that the State party:**

- (a) Undertake a comprehensive study to assess the situation of child labour;**
- (b) Amend the existing legislation to harmonize it with the various international instruments that have been ratified by the State party, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**
- (c) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to further strengthen their capacity to effectively monitor the full implementation of child labour legislation; and**
- (d) Seek assistance from ILO/IPEC and UNICEF.**

Sexual exploitation

225. The Committee welcomes the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, but remains concerned about the increasing number of child victims of sexual exploitation, including for prostitution and pornography, especially among girls, child orphans and abandoned and other disadvantaged children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social rehabilitation of child victims of such abuse and exploitation.

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

- (a) Extend the protection from sexual exploitation and trafficking contained in all relevant legislation to all boys and girls below the age of 18 years;**
- (b) Ensure that child victims of sexual exploitation are not considered as offenders;**
- (c) Implement appropriate gender- and child-sensitive policies and programmes to prevent it and to rehabilitate 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.**

Street children

227. The Committee notes that a study on street children was carried out in 1998, but is concerned at the increasing number of street children and at the lack of a systematic, comprehensive strategy to address this situation and to provide these children with adequate assistance. The Committee is further concerned at reports indicating that street children have been rounded up and taken into custody, where they are living in poor conditions.

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

(a) Pursue its efforts to prevent and reduce this phenomenon by addressing its root causes, notably by carrying out a comprehensive strategy with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;

(b) Consider addressing the situation of street children under the system of youth social welfare services and stop rounding up these children and sending them to detention centres;

(c) 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, and seek innovative measures in dealing with these children; and

(d) Ensure that these children are provided with recovery and rehabilitation services for physical, sexual and substance abuse, and services for reconciliation with their families.

Children in conflict with the law

Children arrested for alleged war crimes

229. The Committee is extremely concerned that persons below the age of 18 at the time of their alleged war crime have not yet been tried, have been detained in very poor conditions, some for a very long time, and are not provided with appropriate services to promote their rehabilitation. The Committee notes the establishment of *gacaca* courts but is deeply concerned that no specific procedure has been established for those who were under 18 at the time of their alleged crime, as required by article 40, paragraph 3, of the Convention, and are still in what could be considered as pre-trial detention.

230. **In the light of articles 37, 40 and 39 of the Convention and other relevant international standards, the Committee recommends that the State party take all necessary measures to complete within six months all pending legal proceedings against persons who were below the age of 18 at the time they allegedly committed war crimes.**

Other children allegedly in conflict with the law

231. While recognizing the State party's efforts in this domain, including through adopting legislation, decrees and ministerial circulars, the Committee is concerned at the limited progress

achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at the lack of juvenile courts, juvenile judges and social workers in this field. In addition, it is deeply concerned at the very poor conditions of detention, due notably to overcrowding in detention and prison facilities, overuse and extremely long periods of pre-trial detention, the length of time before the hearing of juvenile cases, the lack of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings and the lack of systematic training of judges, prosecutors and prison staff.

232. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

233. In addition, the Committee recommends that the State party:

- (a) Undertake all necessary measures to ensure that juvenile courts are established and trained juvenile judges appointed in all regions of the country;**
- (b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period and limit by law the length of pre-trial detention;**
- (c) Provide persons under 18 with legal assistance at an early stage of legal proceedings;**
- (d) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including by addressing the problem of overcrowding in prisons and establishing special prisons for children with conditions suited to their age and needs, and in the meantime guarantee that all persons under 18 are separated from adults in prisons and places of pre-trial detention throughout the country;**
- (e) Ensure that all persons under 18 in conflict with the law do not receive the same sanctions as adults;**
- (f) Ensure that persons under 18 remain in regular contact with their families while in the juvenile justice system;**
- (g) Introduce regular medical examination of inmates by independent medical staff;**
- (h) Establish an independent child-sensitive and accessible system for individual complaints for persons under 18;**
- (i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

(j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings; and

(k) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.

Children belonging to a minority or an indigenous group

234. The Committee is concerned at the situation of children belonging to minorities, including Batwa children, in particular their limited access to basic 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.

235. In line with its recommendations adopted at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party:

(a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action involving leaders of the Batwa community to protect the rights of those children and ensure their social services; and

(b) Seek adequate means and measures to ensure birth registration, health care, etc.

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

236. The Committee, while welcoming the ratification of 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, notes with concern that the submission of the initial reports on the Optional Protocols is overdue.

237. The Committee urges the State party to submit its initial reports to the Optional Protocols as soon as possible.

10. Dissemination of documentation

238. In the 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.

11. Periodicity of submission of reports

239. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 22 February 2008, the due date for the submission of the fourth report. 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: Sao Tome and Principe

240. The Committee considered the initial report of Sao Tome and Principe (CRC/C/8/Add.49) at its 955th and 956th meetings (see CRC/C/SR.955 and 956), held on 24 May 2004, and adopted at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

241. The Committee welcomes the submission of the State party's initial report, although submitted late, as well as the written replies. It further notes with appreciation the high-level delegation sent by the State party, and welcomes the frank dialogue which allowed for a better understanding of the rights of the child in the State party.

B. Positive aspects

242. 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) Act No. 2/77 of 28 December 1997 on the family;
- (b) Act No. 6/92 of 11 June 1992 on working conditions;
- (c) The criminal and civil codes, in particular articles 125 and 488 of the Civil Code on criminal liability;
- (d) The revision, in 2003, of Decree No. 417/71 of 29 September 1971 on legal assistance to minors;
- (e) Act No. 2/2003 on the basis of the education system;
- (f) The launching of the Programme for Single Mothers as Heads of Households.

C. Factors and difficulties impeding the implementation of the Convention

243. The Committee acknowledges the challenges faced by the State party, such as the particular nature of its geographical configuration comprised of islands, its geographic isolation and numerous droughts.

D. Main areas of concern and recommendations

1. General measures of implementation

Legislation

244. The Committee welcomes the inclusion of provisions inspired by the Convention in the Constitution and in a number of laws relating to child rights, but remains concerned about the lack of compatibility between some domestic laws and the provisions and principles of the Convention, and about the lack of implementation of appropriate domestic laws. The Committee is further concerned that very few international and regional instruments protecting human rights, including children rights, have been ratified by the State party.

245. The Committee encourages further law reform, the full implementation of existing laws, and consideration of ratification of other human rights instruments, such as the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. It further recommends that the State party consider ratifying, as a matter of priority the African Charter on the Rights and Welfare of the Child of 1990.

National plan of action

246. The Committee is concerned at the lack of a comprehensive national strategy or plan of action for the implementation of the Convention.

247. The Committee encourages the State party to develop a comprehensive national plan of action for the implementation of the Convention, incorporating the objectives and goals of the outcome document entitled “A world fit for children” adopted by the General Assembly in its resolution S-27/2. In this regard, the State party should seek technical assistance from the United Nations Children’s Fund (UNICEF) and involve civil society in the preparation and implementation of such a national plan of action.

Coordination

248. The Committee notes that under the guidance of the Ministry of Justice, a multisectoral National Child Rights Committee has been established in April 2003 to coordinate initiatives to implement the Convention.

249. The Committee recommends that the National Child Rights Committee be allocated sufficient financial and human resources to be able to effectively and efficiently coordinate initiatives to implement the Convention.

Independent monitoring

250. The Committee notes that the new National Child Rights Committee mentioned above is also entrusted with the monitoring of the implementation of the Convention. However, the Committee is concerned that the National Child Rights Committee may lack the independence necessary to perform this task and that its mandate in this regard is not in accordance with the Committee's General Comment No. 2 (2002) on the role of national human rights institutions and the Paris Principles (see General Assembly resolution 48/134, annex).

251. **The Committee recommends that the State party, in accordance with the Committee's General Comment No. 2 (2002):**

(a) Either strengthen the existing National Child Rights Committee implementation and monitoring, or establish a national human rights institution according to the Paris Principles;

(b) Ensure that the National Child Rights Committee or the new national institution be accessible to children, in particular by giving it power to conduct investigations and to receive and address complaints by children;

(c) Ensure that the National Child Rights Committee or the new national institution is provided with sufficient human and financial resources;

(d) Seek assistance in this regard from, inter alia, the Office of the United Nations High Commissioner for Human Rights and UNICEF.

Data collection

252. The Committee is 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.

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

(a) 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.

Allocation of resources

254. The Committee welcomes the information about debt relief obtained through the Heavily Indebted Poor Countries (HIPC) Initiative and about the expected revenues from oil exploitation.

However, the Committee is concerned by the worsening of the economic situation and by reports of allegations of poor management, including corruption, which have a negative impact on the level of resources available for the implementation of the Convention.

255. In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. In particular, the Committee recommends that the State party undertake all appropriate measures to improve transparency and the quality of management. Finally, the Committee urges the State party to do everything possible to use the income generated by the relief of external debt and by oil exploitation to increase the resources allocated for the full implementation of the Convention, in particular for the improvement of health-care services, and the education and protection of vulnerable groups of children.

Dissemination of the Convention

256. The Committee notes with appreciation the efforts undertaken by the State party to publicize widely the principles and provisions of the Convention and to disseminate the State party report. The Committee is however concerned by the lack of coordination and systematization of the various initiatives.

257. The Committee recommends that the State party:

(a) Strengthen its measures regarding the dissemination of and the training on the Convention for 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 and parents, including in a child-friendly version.

2. Definition of the child

258. The Committee notes with concern that the minimum age for minors under 18 years to enter into marriage under exceptional circumstances is discriminatory between boys and girls.

259. The Committee recommends that the State party review the rules regarding the possibility of concluding a marriage below the general minimum age of 18 years, with a view to increasing the minimum age for this exception and set them at the same level for boys and girls. This should be accompanied by awareness-raising campaigns and other measures to prevent early marriages.

3. General principles

Non-discrimination

260. The Committee is concerned that discrimination against disabled children and children living in poverty persists de facto.

261. **The Committee recommends that the State party conduct an in-depth revision of all legislations in order to fully guarantee 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, in particular poor and disabled children.**

262. **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 by the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment No. 1 (2001) on the aims of education.**

Best interests of the child

263. The Committee is concerned that although many laws provide for the principle of the best interests of the child to be taken into consideration, these laws are often not applied.

264. **The Committee recommends that the State party ensure the implementation of all relevant laws guaranteeing that the best interests of the child be a primary consideration in all actions concerning children.**

Respect for the views of the child

265. While appreciating that some measures have been taken to give children's views more weight in schools, communities, and in decision-making procedures, the Committee is concerned that it is still generally difficult for children to be heard in the State party, and that their right to be heard in proceedings affecting them may be limited.

266. **In the light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them;**

(b) **Undertake national awareness-raising campaigns to change traditional authoritarian attitudes;**

(c) **Continue to strengthen children's participation in councils, forums, children's parliaments and the like;**

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

4. Civil rights and freedoms

Freedom of thought, conscience and religion

267. The Committee regrets the lack of information on the implementation of the rights enshrined in articles 13 to 17 of the Convention and invites the State party to provide specific information in its next report on how these rights are implemented and used by children.

Birth registration and right to nationality

268. The Committee welcomes the provisions contained in the Constitution and in Act No. 2/77 recognizing the right of the child to be recognized immediately after birth, the right to a name and to a nationality from birth, and the right to know and be cared for by his or her parents. It also commends the State party for the high scores attained in birth registration following the national campaign for birth registration.

269. The Committee recommends that the State party continue implementing its comprehensive strategy in order to achieve a 100 per cent rate of birth registration as soon as possible, including by cooperating with UNICEF and other international agencies. The Committee further recommends that the strategy be adapted so as to establish public service mechanisms that will ensure birth registration in the future.

Access to information

270. The Committee is concerned that children have easy access to pornographic DVDs sold locally.

271. In the light of article 17 (e) of the Convention, the Committee recommends that the State party take all necessary measures to protect children from exposure to harmful information, including pornography. The Committee further recommends that the State party take into consideration the Committee's recommendations emanating from its day of general discussion on the child and the media during its thirteenth session (CRC/C/57).

Corporal punishment

272. The Committee is deeply concerned that corporal punishment in the family, in schools and other institutions occurs and is still lawful in certain circumstances. The Committee is further concerned that domestic legislation contains no definition of ill-treatment.

273. The Committee recommends that the State party:

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

(b) Amend the current legislation so as to provide a definition of what constitutes ill-treatment and to prohibit such practices in all settings;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment, in the light of article 28 (2) of the Convention.

5. Family environment and alternative care

Parental responsibilities

274. The Committee is concerned that due to the fact that family ties are unstable and conjugal relations loose, many children live with single mothers or in an unstable family environment.

275. The Committee is further concerned by the lack of parental responsibilities, reflected in the high number of children abandoned by one or both parents, who depart for neighbouring countries.

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

(a) To support abandoned children socially and financially;

(b) To ensure that children born out of wedlock are registered and enjoy the same protection and services as children born in wedlock;

(c) To ensure that fathers, as well as mothers, meet their parental responsibilities, if necessary by acceding to or concluding international agreements securing the recovery of maintenance for the child when the parent is abroad, in line with article 27, paragraph 4, of the Convention.

277. The Committee also recommends that the State party pay particular attention to enhancing the role of the family in the promotion of children's rights, including by developing family counselling services in both urban and rural areas.

Abuse and neglect

278. The Committee is concerned that no mechanism exists to protect children against all forms of violence, including physical, mental and sexual abuse and neglect.

279. The Committee recommends that the State party:

(a) Take measures to address the problem of violence against children and ensure that there is a national system for receiving, monitoring, and investigating complaints, and when necessary, prosecuting cases in a manner which is child-sensitive and ensures the victim's privacy;

(b) Take measures to ensure that children victims of violence, including physical, mental and sexual abuse and neglect, have access to child counselling services;

(c) **Conduct a broad awareness-raising campaign addressing violence against children in all spheres of society, in particular targeting professionals working with children;**

(d) **Ensure that perpetrators of violence against children are duly prosecuted and have access to counselling services.**

6. Basic health and welfare

Children with disabilities

280. The Committee is deeply concerned about the lack of measures taken for children with disabilities and about the little knowledge the State party has of the issue.

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

(a) **Conduct a comprehensive study on the magnitude of the problem in the State party, including by ensuring the collection and the use of adequately disaggregated and comprehensive data;**

(b) **Develop inclusive policies and programmes for children with disabilities enabling them to actively participate in the life of the family and society;**

(c) **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 develop services for children with disabilities, support their families and train professionals in the field;**

(d) **Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly in resolution 48/96, 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**

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

Health and welfare

282. The Committee welcomes the fact that the right to health care is enshrined in the Constitution. The Committee also welcomes the positive result of the expanded programme of immunization. The Committee takes note of the new strategy to combat malaria.

283. However, the Committee is concerned at the lack of access to safe drinking water and sanitation, which is the main cause of the prevalence of diarrhoeal diseases and worms, the high incidence of respiratory diseases and malaria, the high levels of maternal and child mortality, child malnutrition and the high number of children born with low birth weight.

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

(a) Keep implementing measures to guarantee universal access to primary health care, especially maternal and child health-care services and facilities, including in rural areas;

(b) Take the necessary measures to build the capacity of health personnel;

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

(d) Strengthen existing efforts to immunize as many children and mothers as possible;

(e) Strengthen existing efforts to combat malaria, respiratory diseases and diarrhoeal infections, and to take all necessary measures to lower mortality rates;

(f) Increase the proportion of resources allocated to the health sector, so as to fully implement the Convention, in particular article 4;

(g) Take measures to improve the nutritional status of children through education and promotion of healthy feeding practices, including breastfeeding;

(h) Continue to cooperate in this matter with, inter alia, WHO and UNICEF.

Adolescent health

285. The Committee notes with interest the Reproductive Health Programme. However, the Committee is concerned that:

(a) Only adolescents over 16 years are able, in practice, to seek medical counselling without parental consent;

(b) Alcohol, tobacco and drug abuse is affecting an increasing number of young people and that the existing legislation does not provide effective protection for children;

(c) The rate of teenage pregnancies is high;

(d) Mental health services are lacking.

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

(a) Develop comprehensive policies and plans on adolescent health, taking into account General Comment No. 4 (2003) on adolescent health and development;

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

(c) **Take into account General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), in order to promote and protect the rights of children infected with and affected by HIV/AIDS;**

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

(e) **Provide adolescents with accurate and objective information on the harmful consequences of alcohol, drug and tobacco use, and develop and implement a legislation adequately protecting them from harmful misinformation, including through comprehensive restrictions on alcohol and tobacco advertising;**

(f) **Establish adequate mental health services.**

Harmful traditional practices

287. The Committee is concerned at the practice of early marriages.

288. **The Committee recommends that the State party take all necessary measures to prevent and reduce all forms of early marriages, including by undertaking awareness-raising campaigns concerning the various kinds of damage and negative consequences resulting from early marriages.**

7. Education, leisure and cultural activities

289. The Committee welcomes the successive reforms in the education system undertaken since 1991, but remains concerned that several values and rights recognized in article 29 of the Convention on the aims of education are not included in the school curricula and that the reforms undertaken lack an overall vision.

290. Further, the Committee is very concerned that:

(a) Primary education is not free;

(b) The illiteracy, drop-out and repeaters rates, particularly of girls, are high;

(c) The quality of education is low;

(d) Children in remote areas do not have access to schools;

(e) Due to the system of shifts, the time spent in school per day by children is not long enough.

291. **In the light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

- (a) Undertake further consolidated reforms of the school curricula in order to ensure that they are in conformity with the aims set out in article 29 of the Convention and take into account General Comment No. 1 (2001) on the aims of education;**
- (b) Urgently take all necessary measures to achieve universal and free primary education;**
- (c) Progressively ensure that girls and boys, from urban, rural and least developed areas have equal access to educational opportunities, without any financial obstacles;**
- (d) Implement additional measures to provide access to early childhood education for every child;**
- (e) Adopt effective measures to urgently decrease the drop-out rate and to reduce repeaters and illiteracy rates;**
- (f) Build urgently new schools and classrooms so as to ensure the availability of sufficient schools and classrooms to make the system of shifts unnecessary and to allow children to spend sufficient time in school daily;**
- (g) Take appropriate measures to introduce human rights, including children's rights, into the school curricula;**
- (h) Ensure access to leisure facilities and recreational activities;**
- (i) Cooperate with, inter alia, UNESCO, UNICEF and the civil society to improve the education sector.**

8. Special protection measures

Sexual exploitation

292. The Committee shares the concern of the State party about the gradual increase of cases of prostitution and other forms of sexual abuse which involve children. It is also deeply concerned that child prostitutes are considered by the law as criminals rather than as victims.

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

- (a) Conduct a comprehensive study to assess the scope and nature of sexual exploitation of children;**
- (b) Take all necessary measures to effectively protect all children from sexual exploitation;**
- (c) Develop adequate systems of investigation of cases of sexual exploitation and of recovery for the victims;**

(d) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers.

Economic exploitation

294. The Committee notes that, despite the ratification by the Parliament of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, the State party has not transmitted to and registered with ILO its instrument of ratification. It also takes note of the attribution of grants to poor children encouraging them to attend school regularly.

295. However, the Committee is concerned that despite a general prohibition of work for children under 14 years, Act No. 6/92 allows a minor to conclude a work contract and to receive remuneration for work. The Committee is further concerned at the high number of children who are working.

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

(a) Ratify the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of 1999;

(b) Communicate for registration to the Director-General of the International Labour Office its formal ratification of ILO Convention No. 138 of 1973 concerning the Minimum Age for Admission to Employment, in accordance with article 11 of the said Convention;

(c) Take all necessary measures to enforce the law prohibiting children from work before the age of 14 years, including by developing programmes to encourage children to go to school or to have access to informal education;

(d) Seek assistance in this respect from, among others, ILO/IPEC and UNICEF.

Juvenile justice

297. The Committee notes with appreciation that the minimum age of criminal responsibility is set at 16 years. The Committee welcomes the modification, in 2003, of Decree 417 providing for the establishment of a juvenile court, the plan to establish a rehabilitation centre for juveniles, as well as the efforts made to provide information, raise awareness and train judges and other persons working with children about how to deal with juvenile delinquents. However, the Committee is concerned that Decree 417, as modified in 2003, has not yet been implemented and that no juvenile court exists in Sao Tome and Principe.

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

(a) Implement adequate legislation on criminal or other procedures to deal with persons under the age of 18 in conflict with the law;

(b) Establish juvenile courts endowed with appropriately trained personnel, including judges;

(c) Ensure that detained persons under the age of 18, including in pre-trial detention, are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time period and in appropriate conditions;

(d) Ensure the full implementation of juvenile justice standards and, in particular, articles 37 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), and in the light of the general discussion on the administration of juvenile justice held during the tenth session of the Committee (CRC/C/46);

(e) Seek assistance from, inter alia, OHCHR, the United Nations Office on Drugs and Crime, and UNICEF.

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

299. The Committee notes that the State party has neither signed nor ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

300. The Committee recommends that the State party ratify as soon as possible both 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

301. 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, together 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

302. The Committee, aware of the delay in the State party's reporting, wants to underline the importance of a reporting practice which is in full compliance with the rules set out in article 44 of the Convention. Children have the right that the Committee in charge of regularly examining the progress made in the implementation of their rights does have the opportunity to do so. In this regard, regular and timely reporting by State parties is crucial. In order to help the State party get back onto the right reporting track in full compliance with its obligation under the Convention, the Committee invites the State party, by way of exception, to submit its next report before the due date established under

the Convention for the fourth periodic reports, which is 12 June 2008. This report would combine the second, 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: Liberia

303. The Committee considered the initial report of Liberia (CRC/C/28/Add.21) at its 957th and 958th meetings (see CRC/C/SR.957-958), held on 25 May 2004, and adopted at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

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

B. Positive aspects

305. The Committee notes with appreciation:

(a) The formulation of a framework of a National Plan of Action for Children (2000-2015) and the comparative analysis of the articles of the Convention of the Rights of the Child and the Liberian Constitution in 2000;

(b) The establishment of a Ministry of Gender and Development with a portfolio on children's affairs in 2001;

(c) The establishment of the National Child Rights Observatory Group in 2003 as well as of the Children's Parliament in 2002;

(d) The ratification in 2003 of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of 1999;

(e) The comprehensive Peace Agreement signed in 2003 and the related Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) Programme and the Result-Focused Transition Framework (RFTF) identifying key priority areas with regard to the Convention on the Rights of the Child.

C. Factors and difficulties impeding the implementation of the Convention

306. The Committee notes with deep concern that the recent armed conflict in the State party has had and is having a very negative impact on the country as a whole and children in particular. This man-made disaster has seriously impaired the implementation of the Convention on the Rights of the Child, an implementation process that faces many serious problems and challenges.

General observation and recommendation

307. The armed conflict in the State party caused, inter alia, very severe and large-scale violations of the human rights of the children. The State party faces almost overwhelming challenges to rebuild the infrastructures and basic social services necessary for the implementation of the rights of the child. About 20,000 children have been involved in the recent armed conflict and are in urgent need of rehabilitation and social reintegration. The war led to the destruction of almost all of the schools in the country. In 2004, less than 50 per cent of children were enrolled in primary education. Life expectancy at birth is 53 years, and out of 1,000 children, 157 die before the age of one and 235 before the age of 5. The vast majority of doctors, nurses and physician assistants have left the country (before 2000, there were around 260 doctors, currently there are 30). Only 20 per cent of children are fully immunized and 35 per cent are undernourished. These and other severe challenges for the child's right to life, survival and development should be addressed and require major efforts from the State party for which international assistance is of crucial importance.

308. The Accra Peace Agreement (August 2003), the Disarmament, Demobilization, Rehabilitation and Reintegration programme (DDRR) and the Result-focused Transition Framework (RFTF), elaborated under the auspices of the United Nations and other international organizations, form a good basis and instrument for addressing at least the most urgent matters.

309. In the present document, the Committee will make observations and recommendations regarding the implementation of children's rights in the State party with particular attention to the family environment, health, education, the situation of former child soldiers and other child victims of the armed conflict, and the many other groups of children living in very difficult circumstances.

310. The Committee urges the State party to undertake every measure possible to restore enjoyment by the children in Liberia of their rights as enshrined in the Convention and make this the highest priority and have it reflected in the allocation of human and financial resources. In this regard, the State party should urge the international community, other States agencies of the United Nations system, and NGOs to meet their pledges in the most expedient manner and to further increase their financial and humanitarian assistance. The Committee wishes to express its full support for such an appeal, taking into account the importance the Convention attaches to international cooperation to assist State parties to meet their international obligations under the treaty.

D. Principal areas of concern and recommendations**1. General measures of implementation****Legislation**

311. The Committee is concerned that some provisions of the existing legislation and some of customary law are not consistent with the principles and provisions of the Convention.

312. **The Committee recommends that the State party undertake a comprehensive review of legislation in order to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention.**

National plans of action

313. The Committee welcomes the development of a framework for a National Plan of Action for Children in 2001 and of a Joint Needs Assessment and Results-Focused Transition Framework elaborated in 2003 that has incorporated key child rights issues. However, the Committee is concerned that a comprehensive national plan of action has not yet been finalized, approved and implemented.

314. **The Committee recommends that the State party take all the necessary steps to develop, adopt and implement a national plan of action for children, taking into account issues raised in the document entitled “A world fit for children”, adopted by the General Assembly in its resolution S-27/2. The Committee also recommends that the State party seek technical and other assistance from, among others, UNICEF.**

Coordination

315. While taking note that the Ministry of Gender and Development is endowed with the responsibility of coordinating all activities relating to the implementation of the Convention on the Rights of the Child, the Committee is concerned that the Children’s Unit within the Ministry is not yet fully operational.

316. **The Committee recommends that the State party take all necessary measures to allocate sufficient human and financial resources to the existing coordination mechanisms by involving other stakeholders, such as community-based groups and NGOs. In particular, the Committee recommends that the Children’s Unit in the Ministry of Gender and Development become fully operational as soon as possible.**

Independent monitoring

317. While welcoming the establishment of an Independent National Commission on Human Rights (INCHR) following the Comprehensive Peace Agreement (CPA) in August 2003, the Committee remains concerned that the mandate of the INCHR does not provide for specific measures to deal with children’s rights and individual complaints.

318. **Taking into account its General Comment No. 2 (2002) on the role of national human rights institutions, the Committee recommends that the State party provide INCHR with adequate human and financial resources and enable it to monitor and evaluate progress in the implementation of the Convention at national and local level. Moreover, INCHR should be empowered to receive and investigate complaints about violations of children’s rights and address them effectively in a child-sensitive manner.**

Resources for children

319. The Committee is concerned that budgetary allocations are insufficient to respond to national and local priorities for the promotion and protection of children's rights. The Committee is also concerned that aggravated by internal strife and governance problems, international development assistance is slowly delivered.

320. In the light of articles 2 and 3, 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

321. While acknowledging some efforts made by the State party, the Committee is concerned about the existing lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

322. 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 areas. This system should cover all children up to 18 years with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data for formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, among others, UNICEF.

Dissemination of the Convention

323. The Committee recognizes the particular importance of an understanding of children's rights in the current post-conflict reconstruction in the State party, and remains concerned that dissemination and understanding of the Convention is still very limited.

324. In the light of article 42, the Committee recommends that the State party make additional efforts in the dissemination of the Convention, provide training on its provisions for professionals, inter alia, law officials, teachers and health workers, and provide teaching on its provisions to the adult population. The State party should ensure that such training focuses on, and contributes to, practical implementation of the Convention's provisions and principles. In addition, the Committee recommends that the State party make every effort to develop a culture of knowledge and respect for human rights in all sectors of the population.

2. General principles

Non-discrimination

325. While noting that discrimination is prohibited under the Constitution, the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups, among others, girls, children with disabilities and children living in rural areas and children belonging to ethnic Mandingo, Krahn and Gbandi groups.

326. 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 all forms of discrimination, in particular against vulnerable groups.

327. 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 Durban 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 (1) of the Convention (aims of education).

Right to life

328. The Committee is seriously concerned that respect for the inherent right to life of a person under 18 is not fully guaranteed under the law in the State party. The Committee is particularly concerned about the applicability of the death penalty for crimes committed by children aged 16 and 17 years of age and emphasizes that such a penalty is in violation with article 37 (a) of the Convention.

329. The Committee urges the State party to amend its Penal Law in accordance with article 37 (a), and to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for children under 18 with a sanction in accordance with the Convention.

Respect for the views of the child

330. The Committee notes with appreciation the establishment of a Children's Parliament in the State party and the cooperation with international organizations for the promotion of child participation. However, the Committee is concerned that as a result of prevailing traditional attitudes, children are often not consulted about decisions affecting them in development and reconstruction programmes, administrative procedures, in the family and at school.

331. The Committee recommends that the State party make further efforts to ensure the implementation of the principle of respect for the views of the child. In this connection, particular attention should be paid to the right of every child to participate in the family,

at school and other institutions and bodies as well as in society at large. This principle should also be reflected in all laws, policies and rehabilitation and development programmes relating to children. Furthermore, the State party should organize awareness-raising campaigns among the public at large as well as undertake education and training programmes aimed at professionals on the implementation of this principle.

Best interests of the child

332. The Committee is concerned that the principle of best interests of the child is not fully integrated into all policies and legislation affecting children.

333. The Committee recommends that the State party review all legislation affecting children with a view to incorporating the principle of the best interest of the child as stipulated in article 3 of the Convention into legislation, regulations, judicial and administrative procedures and decisions.

3. Civil rights and freedoms

Name and nationality

334. The Committee is very concerned that the granting of citizenship to children born in the State party is restricted on the basis of colour or racial origin by the provisions contained in article 27 of the Constitution and the Alien and the Nationalization Law, which are contrary to article 2 of the Convention on the Rights of the Child.

335. The Committee recommends that the State party amend its Constitution and citizenship laws to eliminate discrimination on the basis of colour or racial origin.

Birth registration

336. The Committee shares the State party's concern about the significant numbers of children whose births are not registered, especially in rural areas.

337. In the light of article 7 of the Convention, the Committee recommends that the State party undertake major efforts to increase registration of births, including through the development of mobile registration units and increased outreach activities and awareness-raising campaigns for families and traditional birth attendants. It also recommends that the State party introduce an effective system of registering births and free issuances of birth certificates, including to those children who were not registered at birth. Further, the Committee recommends the State party to seek international assistance, from UNICEF amongst others, in this field.

4. Family environment and alternative care

Parental responsibilities

338. The Committee welcomes the new legislative amendments with regard to marriage, inheritance and child custody. However, the Committee is concerned about the de facto gender discrimination in the sharing of parental responsibilities.

339. **The Committee recommends that the State party, in collaboration with community and religious leaders, initiate laws, programmes and policies to prevent and combat the de facto discriminatory practices with regard to parental responsibilities and child custody.**

Adoption

340. The Committee is concerned at the lack of interest in domestic adoption in the State party and at the widespread use of informal adoption practices that are not conducive to full respect for children's rights. The Committee is further concerned that there are no arrangements to regulate and monitor intercountry adoptions.

341. **In the light of article 21 and other related provisions of the Convention, the Committee recommends that the State party:**

(a) **Take all necessary measures to reduce and eliminate informal adoption and establish a system to regulate and monitor intercountry adoptions;**

(b) **Ratify and implement the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption;**

(c) **Inform the general public about the possibilities of formal adoption.**

Children deprived of a family environment

342. The Committee takes note of the efforts made in the State party to trace the members of separated families and to reunify children and their parents. The Committee is deeply concerned at:

(a) The large numbers of children who have been deprived of a family environment through the death of, or separation and abandonment from, their parents or other family;

(b) The inadequate conditions and services provided in many orphanages and other institutional settings for children without parents;

(c) The lack of quality standards and of a monitoring system for these institutions.

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

(a) **To make every effort to strengthen family tracing programmes;**

(b) **To plan for the effective provision of alternative care for separated children, making use of the extended family, foster care and alternative family structures;**

(c) **To urgently adopt the relevant legislation in order to issue quality standards and establish a monitoring system for institutional homes and, in particular, orphanages operating in the State party, as well as to increase allocations available to these institutions and to provide training for their staff;**

(d) To take all appropriate measures to ensure that non-orphan children living in institutional homes are brought back to their families, taking into consideration the best interests of the child;

(e) To seek assistance from, among others, UNICEF.

Abuse and neglect

344. The Committee is concerned about the incidence of abuse, including sexual and gender-based violence and neglect of children in the State party.

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

(a) Take all necessary measures to explicitly prohibit corporal punishment in all places, including in the family, in schools and other institutions and childcare settings;

(b) Properly investigate cases of violence, through a child-sensitive judicial procedure by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators, having due regard to guaranteeing the right to privacy of the child;

(c) Provide services for the psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;

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

5. Basic health and welfare

Children with disabilities

346. The Committee, taking into account the very high incidence of disability in the State party as a consequence of the armed conflict, is concerned at the lack of statistical data on children with disabilities in the State party, at the inadequate legal and practical protection, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, rehabilitation programmes, education and employment possibilities available to them. The Committee is also concerned about the insufficient efforts made to facilitate their inclusion in the educational system and in society in general as well as the inadequate resources allocated to special education programmes for children with disabilities.

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

(a) Ensure the use of adequate and comprehensive data in 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, rehabilitation programmes, education services and employment opportunities;

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

(d) Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;

(e) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;

(f) Carry out studies to assess the causes of disabilities in the State party in order to establish a strategy to prevent disabilities;

(g) Sensitize the population to the human rights of children with disabilities; and

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

Health and health services

348. The Committee is deeply concerned at the high rates of infant, under-five mortality and maternal mortality, and at the low life expectancy in the State party. The Committee also remains concerned that health services in the local areas continue to lack adequate financial resources and are mostly inaccessible. In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by childhood diseases, including infectious diseases, diarrhoea and malnutrition. Additionally, the Committee recognizes the major implications of the brain drain of health workers who migrate to other countries thus reducing the efficiency of the health-care system. The Committee expresses its concern at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural areas.

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

(a) Increase its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;

(b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; promote proper breastfeeding practices; and increase access to safe drinking water and sanitation;

(c) **Continue to address the lack of health staff by training, recruiting and retaining qualified health workers;**

(d) **Pursue additional ways of cooperation and assistance for child health improvement with, among others, WHO and UNICEF.**

Adolescent health

350. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns as well as substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the high teenage pregnancy rate which can have a negative impact on their health.

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

(a) **Take into account General Comment No. 4 (2003) on adolescent health and development;**

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

(c) **Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and support for adolescent mothers, and make these services accessible to adolescents;**

(d) **Take all necessary measures to prevent teenage pregnancies.**

Early marriages

352. The Committee notes with concern that, according to the New Domestic Relations Law, the minimum legal age for marriage is 21 for males and 18 for females, while according to the Revised Administrative Law Governing the Hinterland this age-limit is of 15 years only. The Committee is concerned that in practice, the custom of early marriage is widespread, particularly for girls in rural areas who can get married as early as 12 or 13 years old. The Committee is further concerned that such girls, once married, are not afforded protection and that the enjoyment of their rights as children is not ensured as enshrined in the Convention.

353. **The Committee recommends that the State party amend the Revised Administrative Law Governing the Hinterland by raising the age of marriage to similar ages defined in the New Domestic Relations Law in order to prevent early marriages. It also recommends to the State party that it take measures to ensure that when under age girls are married, they continue fully enjoying their rights as set out in the Convention. The Committee also recommends that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages.**

Harmful traditional practices

354. The Committee welcomes the activities and awareness-raising campaigns carried out by the National Association for Traditional Practices affecting the Health of Women and Children (NATPAH) on female genital mutilation. However, the Committee is concerned about its widespread practice in the State party.

355. The Committee urges the State party to take immediate steps to end the practice of female genital mutilation, inter alia, by creating and enforcing legislation and through the implementation of programmes sensitizing the population about its harmful effects. The Committee recommends that the State party take advantage of the efforts in this regard made by other States in the region.

HIV/AIDS

356. While noting the various efforts being made to address the spread of HIV/AIDS, the Committee remains deeply concerned at the recent increase in the prevalence of HIV/AIDS and the number of children affected by it.

357. The Committee recommends that the State party, taking into account General Comment No. 3 of the Committee on HIV/AIDS and the Rights of the Children, continue to strengthen its efforts in preventing and treating the effects of HIV/AIDS. It also recommends the State party to pay particular attention to children infected themselves or who have become orphans due to the death of HIV/AIDS parents, through providing adequate psychological and material support and by involving the community.

6. Education, leisure and cultural activities

358. The Committee welcomes the State party's efforts to rehabilitate the educational system that was massively destroyed by the civil war. It further takes note of the "Back to School" programme that has already brought many children back to school. However, the Committee is concerned about the continuing low rates of enrolment, the significant disparities of enrolment and literacy rates between boys and girls and the overall low quality and hidden costs of education.

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

(a) Prioritize the construction and reconstruction of schools throughout the country and improve accessibility for all children, taking into account the needs of children with disabilities;

(b) Progressively ensure that girls and boys from urban and rural areas have equal access to educational opportunities and receive free education without any hidden costs;

(c) Design accelerated learning and vocational training programmes for young people and children who have missed out in educational opportunities;

- (d) Take necessary measures to remedy the low quality of education and to provide appropriate training for teachers;**
- (e) Improve the educational system with a view to achieving the aims mentioned in article 29, paragraph 1, of the Convention and introduce human rights, including children's rights, into the school curricula;**
- (f) Encourage the participation of children at all levels of school life;**
- (g) Seek technical assistance from, amongst others, UNICEF and UNESCO.**

7. Special protection measures

Child soldiers

360. The Committee notes that the Comprehensive Peace Agreement of 18 August 2003 recognizes the special demobilization and reintegration needs of child combatants. However, the Committee expresses its extremely deep consternation at the very high number of children who have been forcibly recruited into armed forces and armed groups by all parties involved in the conflict, including children as young as nine years old. The Committee is also concerned that these children have been forced to carry goods and weapons, guard checkpoints and often fight in the front line, while girls have been raped and forced to become servants of the soldiers as well as combatants. The Committee is deeply concerned at the direct effects of the armed conflict on all child victims, including child combatants, and about the tragic loss of life and severe psychological trauma inflicted upon them. The Committee is also concerned at the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

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

- (a) To take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society taking into account, in particular, the specific needs of girls and other vulnerable groups;**
- (b) In the light of article 38, paragraph 3, to ensure to give priority to those who are the oldest when recruiting young persons and to limit recruitment by all armed forces and groups to persons of 18 years of age or older;**
- (c) To take all necessary measures, in cooperation with national and international NGOs and United Nations bodies such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation, reintegration and reconciliation;**

(d) To make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

Refugees and internally displaced children

362. The Committee welcomes the efforts the State party is making to deal with the large number of internally displaced persons and refugees. However, the Committee is concerned that refugee and internally displaced children in Liberia do not receive appropriate protection and assistance in the enjoyment of their rights under the Convention. The Committee appreciates the attention that the authorities and humanitarian community in Liberia are giving to the issue of sexual assault and the exploitation of refugee and internally displaced girls, as well as to the forcible conscription of refugee and internally displaced boys, but it remains concerned that such acts of assault and forcible conscription still occur in Liberia.

363. In the light of articles 7, 22 and relevant provisions of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education and health services and to support their return and reintegration into their communities;

(b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;

(c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;

(d) In carrying out programmes for internally displaced and refugee children, seek assistance and work closely with UNHCR, UNICEF and other competent international, intergovernmental or non-governmental organizations.

Sexual exploitation of children

364. The Committee shares the State party's concern about the prevalence of child prostitution, particularly in urban areas, and is further concerned at the lack of data thereon.

365. The Committee recommends that the State party:

(a) Gather quantitative and qualitative data on the sexual exploitation of children, vulnerable groups and the root causes for such exploitation;

(b) Use this data to develop policies and programmes aimed at combating child sexual exploitation and ensuring that victims have access to appropriate assistance;

(c) Develop programmes for counselling and the rehabilitation and reintegration of girls engaged in prostitution;

(d) Seek international technical assistance from, inter alia, UNICEF and ILO-IPEC in this regard, and engage in bilateral and regional cooperation for the elimination of child sexual exploitation and trafficking.

Substance abuse

366. The Committee is concerned at the recent increase in substance abuse by children, particularly among children associated with armed forces.

367. The Committee urges the State party to establish programmes to combat substance abuse by children, including the provision of psychosocial assistance for addicts. The Committee further recommends that the State party seek technical cooperation, from, among others, WHO and UNICEF.

Juvenile justice

368. The Committee is concerned that the juvenile justice system does not conform to international norms and standards. While noting that the minimum age for criminal responsibility is set at 16, the Committee is concerned that children under the age of 16 are nevertheless held criminally responsible in juvenile court procedures. In particular, it is concerned about the lack of separate detention facilities for persons below the age of 18 and the poor living conditions in these facilities. The fact that capital punishment and imprisonment without possibility of release can be applied under Penal Law to children aged 16 and 17 years at the time the crime was committed is also a major issue of concern for the Committee.

369. The Committee recommends that the State party continue its efforts to reform the system of juvenile justice in line with the Convention, in particular with articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.

370. As part of this reform, the Committee recommends that the State party:

(a) With regard to the minimum age of criminal responsibility, make sure that children under 16 years of age who have committed an offence and are dealt with through the present procedure only face protective and educative measures;

(b) In the light of article 37, subparagraph (a), urgently amend the Penal Law to ensure that neither capital punishment nor life imprisonment without possibility of release can be imposed for offences committed by persons below the age of 18;

(c) Take all necessary measures to establish juvenile courts and appoint trained juvenile judges in all regions of the State party and ensure that all children accused of a crime are accorded their right to due process;

(d) Take all necessary measures to establish separate detention facilities for juveniles, including through technical cooperation.

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

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

372. The Committee recommends that the State party 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 documents

373. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records 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.

10. Next report

374. In the light of the recommendation on reporting periodicity adopted by the Committee (CRC/C/139), 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, and in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its second and third reports in one consolidated report by 3 July 2009, that is, 18 months before the due date established in the Convention for the third periodic report. 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: Myanmar

375. The Committee considered the second periodic report of Myanmar (CRC/C/70/Add.21) at its 959th and 960th meetings (see CRC/C/SR.959 and 960), held on 26 May 2004, and adopted, at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

376. 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/MYA/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 and multidisciplinary delegation directly involved with the implementation of the Convention allowed for a constructive dialogue and 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

377. The Committee welcomes:

- (a) The adoption of Rules and Regulations related to the Child Law in 2001;
- (b) The establishment of the National Human Rights Committee in 2000;
- (c) The establishment of the Myanmar Women's Affairs Federation in 2003, whose mandate includes promotion and protection of the rights of children;
- (d) The adoption of the National AIDS Programme and the development of the Joint Programme for HIV/AIDS: Myanmar 2003-2005;
- (e) The achievement by the National Health Plan 1996-2001 of high immunization coverage for a significant part of the population;
- (f) The adoption of the "Education for All" National Action Plan; and
- (g) The adoption with ILO of the joint Plan of Action for the Elimination of Forced Labour.

C. Factors and difficulties impeding the implementation of the Convention

378. The Committee notes that the State party, despite its recent agreements with 17 armed groups in the country, remains deeply affected by internal conflicts and that the resulting violence and instability have had a negative impact on the situation of children in Myanmar. The Committee further notes that some parts of the State party remain beyond the control of the Government and that widespread poverty continues to pose a serious challenge.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

379. The Committee regrets that many of the concerns it expressed and the recommendations it made (CRC/C/15/Add.69) after its consideration of the State party's initial report (CRC/C/8/Add.9) have been insufficiently addressed, particularly those contained in

paragraph 28 (domestic legislation), paragraph 31 (national coordinating mechanism), paragraphs 40-42 (children affected by military activities) and paragraph 46 (children in conflict with the law). Those concerns and recommendations are reiterated in the present document.

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

Legislation

381. The Committee is aware of the efforts undertaken by the State party to amend the Child Law (1993), in particular, the enactment of the Rules and Regulations related to the Child Law in 2001, in order to fully harmonize it with the provisions and principles of the Convention, but is of the view that the Child Law is still not in full compliance with the Convention. The Committee further welcomes the promulgation of Orders of 1999 and 2000 by which forced labour has been prohibited, the accession to ILO Forced Labour Convention, 1930 (No. 29) and the comprehensive Plan of Action for the Elimination of Forced Labour established in collaboration with ILO, but remains concerned at the fact that the Village and Town Acts are still in existence. This concern is also reiterated regarding the existence of the Citizenship Act and the Whipping Act, despite previous recommendations of the Committee to amend or repeal them.

382. In light of its previous recommendations (CRC/C/15/Add.69, para. 28), the Committee recommends that the State party:

(a) Expedite the comprehensive review of existing legislation, in particular the Child Law, using a rights-based approach, to ensure that it is in full conformity with the principles and provisions of the Convention;

(b) Repeal the Whipping Act and amend the Citizenship Act and the Village and Town Acts; and

(c) Include the rights of the child in the new State Constitution and expedite the completion of the drafting process.

383. While noting that the State party has ratified the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is concerned that it has not yet ratified most of the other main human rights instruments.

384. In order to strengthen the full implementation of all human rights, the Committee encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Coordination

385. The Committee notes that the Ministry for Social Welfare, Relief and Resettlement is the leading ministry regarding the implementation of the Convention. It welcomes the establishment of an interdisciplinary National Committee on the Rights of the Child whose main mandate is the coordination of the work of governmental bodies involved in the implementation of the Child Law. The Committee is nevertheless concerned that this Committee is not fully operational.

386. The Committee recommends that the State party strengthen the National Committee on the Rights of the Child by providing it with the necessary authority and resources to fulfil its mandate, namely to coordinate all activities related to the implementation of the Convention, in an effective manner, horizontally across ministries and vertically, from the national, down to the State, divisional, district and township levels.

National plans of action

387. The Committee notes that the National Programme of Action for the Survival, Protection and Development of Children in the 1990s was adopted in 1994 and that the National Health Plan is also an important policy with regard to the implementation of the Convention. However, the Committee is of the view that the implementation of these action plans have been insufficient.

388. 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 general plan of action for children which covers all areas of the Convention, including the Millennium Development Goals, and reflects “A world fit for children”. It further recommends that the State party allocate the necessary human and financial resources for its full implementation, and put in place appropriate coordinating, monitoring and evaluation mechanisms.

Independent monitoring structures

389. The Committee notes the establishment of the Monitoring and Evaluation Subcommittee in 1999. It also welcomes the establishment of the Committee on Human Rights in 2000, whose objectives include, among others, to take action for the establishment of an independent Myanmar human rights commission. The Committee is, however, concerned at the current lack of an independent mechanism mandated to regularly monitor and evaluate progress in the implementation of the Convention at the local and national levels.

390. The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134) and in light of the Committee’s General Comment No. 2 (2002) on national human rights institutions, to monitor and evaluate progress in the implementation of, inter alia, the Convention on the Rights of the Child at the national and local levels. The Committee recommends that the institution be allocated adequate human and financial resources and that its mandate include the ability to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them

effectively. In order to make this institution's role regarding the Convention as visible and as strong as possible, the Committee suggests establishing within this institution a special division for children's rights headed by a commissioner for children. The Committee encourages the State party to seek technical assistance from, inter alia, OHCHR in this respect.

Cooperation with civil society

391. While noting the reference to the activities of non-governmental organizations throughout the State party report, the Committee is concerned that insufficient efforts have been made to involve the civil society in the implementation of the Convention, its rights-based approach and its reporting process.

392. The Committee recommends that the State party strengthen its efforts to systematically involve communities and other elements of civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting process of the next report to the Committee.

Resources

393. The Committee is deeply concerned at the dramatic decrease of resources allocated to social sectors, notably health and education, over the past decade while the budget allocated to defence has increased dramatically over the same period.

394. In light of its previous recommendations (ibid., para. 32), the Committee recommends that the State party:

(a) Make every effort to significantly increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" where needed, to ensure the provision of appropriate resources and, wherever appropriate, in the framework of international cooperation;

(b) Ensure that the provision of social services to children remains a priority; and

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

Data collection

395. The Committee notes the regular nationwide Multiple Indicator Cluster Surveys (1995, 1997, 2000), but remains concerned at the lack of a systematic and comprehensive collection of accurate disaggregated data on all groups of children for all areas covered by the Convention which will enable progress to be monitored and evaluated and the impact of policies adopted with respect to children to be assessed.

396. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention, accurate 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 belonging to the most disadvantaged groups, including children belonging to ethnic minority groups, children in poverty, children living in remote and border areas, disabled children, street children and children placed in institutions. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

Training and dissemination

397. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened and systematized with a specific focus on the child as a subject of rights. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

398. **In line with its previous recommendations (ibid., para. 35) and article 42 of the Convention, the Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. It also recommends that the State party make the Convention accessible to the whole population, in particular children themselves, and including by way of translating the Convention where necessary. Moreover, the Committee encourages the State party to undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers. Technical assistance from, inter alia, OHCHR and UNICEF could be requested in this regard.**

2. Definition of the child

399. The Committee notes that the 1993 Child Law makes a distinction between a child (up to the age of 16 years) and a youth (between 16 and 18 years) and is concerned that youth as defined by the Law do not have the same rights as children. The Committee is further concerned that the minimum age of criminal responsibility is set at 7 years of age, which is much too low, and that children between 16 and 18 years are treated as adults under the penal law of the State party. Furthermore, the Committee is concerned that there is no minimum age for marriage for boys and that marriage of girls as young as 14 is allowed with parental consent.

400. **The Committee recommends that the State party recognize that all persons below the age of 18 are entitled to special protection measures and specific rights as enshrined in the Convention, and that it raise the minimum age for criminal responsibility to an internationally acceptable age. The Committee also recommends that the State party raise the minimum age for marriage for girls to an internationally acceptable age.**

3. General principles

Non-discrimination

401. The Committee notes that the principle of non-discrimination is included in the 1993 Child Law but remains concerned that discrimination, contrary to article 2 of the Convention, still exists in Myanmar. In particular, the Committee is concerned about discrimination against girls and vulnerable children such as children with disabilities, children from remote and border areas, children belonging to religious minorities and children with low status citizenship.

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

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with article 2;

(b) Prioritize and target social services to children belonging to the marginalized and most vulnerable groups through a proactive and comprehensive strategy; and

(c) Ensure effective law enforcement, and launch comprehensive public information campaigns involving religious leaders to prevent and combat all forms of discrimination and, where appropriate, within the framework of international cooperation.

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

The best interests of the child

404. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of laws, policies and programmes of the State party as well as in administrative and judicial decisions.

405. 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 judicial and administrative decisions and in projects, programmes and services that have an impact on children.

Respect for the views of the child

406. The Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, schools, the courts, administrative authorities and the society at large, which tend to favour a paternalistic and authoritarian approach with regard to children.

407. **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 the vulnerable groups. This general principle should also be reflected in all laws, policies and programmes relating to children. Awareness-raising among the public at large and among religious, traditional and/or customary leaders, as well as education and training of professionals, on the implementation of this principle should be reinforced.**

4. Civil rights and freedoms

Birth registration and citizenship

408. While noting the progress achieved by the State party in registering children at birth, the Committee remains concerned at the large number of children whose births have not been registered. The Committee is further concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

409. **In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are registered at birth without discriminatory conditions, through, inter alia, conducting awareness-raising campaigns and a review of the existing registration system. It is also encouraged to consider facilitating birth registration procedures through mobile units for remote areas. In line with its previous recommendations (ibid., paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.**

Access to information

410. The Committee notes that article 22 of the 1993 Child Law refers to access to information, but is concerned that many children, notably those living in remote and border areas, do not have adequate access to appropriate information.

411. **In light of article 17, the Committee recommends that the State party take all appropriate measures to ensure that all children, in particular those in remote and border areas, are provided with adequate access to information.**

Corporal punishment

412. The Committee is deeply concerned that article 66 (d) of the 1993 Child Law provides for possible “admonition by a parent, teacher, or other person having the right to control the child” and that corporal punishment continues to be regarded as acceptable in society. The Committee is also concerned that the State party has not repealed the Whipping Act and that the orders prohibiting corporal punishment in schools do not seem to be effective.

413. **The Committee strongly recommends that the State party repeal article 66 (d) of the 1993 Child Law and prohibit corporal punishment in the family, the schools and other institutions, and undertake education campaigns to educate families and professionals on alternative forms of discipline.**

Torture or cruel, inhuman or degrading treatment or punishment

414. The Committee notes the lack of information regarding ill-conduct by law enforcement officials and army personnel, especially in the light of numerous reports received of torture, serious ill-treatment and sexual abuse, including rape of children by law enforcement officials and army personnel.

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

(a) **Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy on effective measures and policies and on changing general attitudes;**

(b) **Duly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child and ensuring that the child is not revictimized during the legal proceedings;**

(c) **Undertake public education campaigns to promote a culture of non-violence;**

(d) **Provide care, recovery, compensation and rehabilitation for victims; and**

(e) **Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme "Violence against children" (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).**

5. Family environment and alternative care

Parental responsibilities

416. The Committee expresses its concern at the lack of adequate social policies that enable families to be in charge of protecting their children's rights, and the disintegration and displacement of families and communities of ethnic minority groups.

417. **In light of article 18 of the Convention, the Committee recommends that the State party introduce programmes to support families and, in particular, parents in the performance of their parental responsibilities, especially with respect to ethnic minorities and other vulnerable groups, and refrain from activities that may lead to the disintegration or displacement of families.**

Children deprived of a family environment

418. The Committee, while welcoming the State party's activities to reduce institutionalization, is concerned at the large number of children who are placed in institutions. The Committee is further concerned that these institutions provide similar services for groups of children with different needs, such as orphans, abandoned children, children in conflict with the law and street children. The Committee is also concerned at the poor living conditions in these institutions.

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

(a) Expedite the assessment on 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 be returned to their families whenever possible and consider the placement of children in institutions as a measure of last resort; and

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

Adoption

420. The Committee notes that adoption is regulated by the 1993 Child Law, the Registration of Kittima Adoption Act, 1939 and customary law, but regrets the lack of concrete information in the State party's reports on adoption, including intercountry adoption. The Committee is concerned that this legislation may not conform fully with the Convention, notably that they do not always take into account the best interests of the child and, where appropriate, the views of the child.

421. In line with its previous recommendations (ibid., para. 36) and in light of article 21 of the Convention, the Committee recommends that the State party amend its current domestic legislation and practice with regard to adoption to ensure conformity with the Convention. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The Committee further recommends that the State party seek technical assistance from, inter alia, UNICEF.

Violence, abuse, neglect and maltreatment

422. The Committee notes that the 1993 Child Law contains various provisions on violence against children, but is seriously concerned at the lack of appropriate measures, mechanisms and

resources to prevent and combat domestic violence, including physical and sexual abuse and neglect of children; the limited number of services for abused children; as well as the lack of data on the aforementioned.

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

(a) Undertake a comprehensive study on violence against children in order to assess the scope, nature and causes of such violence and to adopt effective measures and policies;

(b) Duly investigate cases of domestic violence and violence in schools through child-sensitive judicial procedures and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child;

(c) Strengthen awareness-raising campaigns for the purpose of preventing and combating child abuse, with the involvement of children;

(d) Allocate funds to provide services for physical and psychological recovery and social reintegration to the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention;

(e) Evaluate the work of existing structures and provide training to the professionals working with child victims of violence; and

(f) Seek technical assistance from, inter alia, UNICEF.

6. Basic health and welfare

Children with disabilities

424. The Committee is concerned at the lack of statistical data and of a comprehensive policy for disabled children, who continue to face widespread discrimination. Concern is also expressed at the limited facilities and services for children with disabilities, especially those in rural and remote areas, and the limited number of trained teachers to work with children with disabilities. Efforts to facilitate their inclusion into the educational system and the society at large are insufficient.

425. In line with 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 (CRC/C/69), it is recommended that the State party:

(a) Take effective measures to collect adequate and disaggregated data on children with disabilities and use such data to establish a comprehensive policy and appropriate programmes to prevent disabilities and to assist children with disabilities;

(b) Reinforce its efforts to develop early detection programmes to prevent and treat disabilities;

(c) Establish special education programmes for disabled children and include them in the regular school system to the extent possible;

(d) 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;

(e) Allocate further resources for special education, including vocational training, and for the support given to families of children with disabilities; and

(f) Seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

Health and health services

426. The Committee notes the progress achieved by the National Health Plan 1996-2001, notably the good immunization coverage through routine vaccinations supplemented by the National Immunization Days (NIDs), and notes the adoption of the 2001-2006 National Health Plan, but is concerned at the high infant and under-5 mortality rates and the low life expectancy in Myanmar. The Committee is also concerned that health services in the remote areas continue to lack adequate human and financial resources and are often inaccessible, especially during the rainy season, resulting in a significant difference in the availability of services between rural and urban areas and consequently much higher mortality figures in rural areas. In addition, the Committee is concerned that the survival and development of children in Myanmar continue to be threatened by early childhood diseases, such as acute respiratory infections and diarrhoea and by chronic malnutrition.

427. **In line with its previous recommendations (ibid., para. 38), the Committee recommends that the State party:**

(a) Reinforce its efforts to allocate appropriate resources as well as develop and implement comprehensive policies and programmes, in particular the 2001-2006 National Health Plan, to improve the health situation of children, particularly in rural areas;

(b) Ensure adequate collection of accurate and reliable statistical data on health indicators;

(c) Facilitate greater access to primary health-care services;

(d) Continue and strengthen its efforts to reduce the incidence of maternal, child and infant mortality;

(e) Prevent and combat malnutrition, especially among the vulnerable groups of children;

(f) Promote exclusive breastfeeding for the first six months, with the introduction of appropriate infant diet thereafter;

(g) Improve access to safe drinking water and sanitation; and

(h) Pursue additional measures of cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.

428. In spite of the progress achieved regarding access to drinking water and safe excreta disposal, as indicated in the Multiple Indicator Cluster Surveys held in 2000, the Committee is concerned that a large number of children, notably those living in rural areas, still do not enjoy adequate access to clean drinking water and sanitation systems.

429. **The Committee recommends that the State party take all necessary measures to ensure access by all children, in particular those in remote and rural areas, to safe drinking water and adequate sanitation systems.**

HIV/AIDS

430. The Committee welcomes the existence of the National AIDS Programme and the development of the Joint Programme for HIV/AIDS: Myanmar 2003-2005, as well as various efforts undertaken to raise awareness on HIV/AIDS, but is extremely concerned at the increasing prevalence of HIV/AIDS amongst adults and children and the consequently high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

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

(a) Increase its efforts to prevent the spread of HIV/AIDS, taking into account the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child;

(b) Strengthen its measures to prevent mother-to-child transmission, inter alia, through coordination with the activities aimed at reducing maternal mortality. It recommends taking 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, as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS; and

(d) Seek further technical assistance from, inter alia, UNAIDS to further facilitate more flexible operational set-ups for the various partners.

Harmful traditional practices

432. The Committee is concerned that the measures taken by the State party to raise awareness among the Padaung and the Kareni tribes on the potential health hazard of their traditional practice of neck elongation have been insufficient. The practice can result in sudden death or serious damage to the spinal cord if the neck-elongation ring is removed.

433. **The Committee recommends that the State party continue and strengthen its awareness-raising activities among the people of the Padaung and the Kareni tribes, in particular women and girl children, on the potential risks of their traditional practice for their physical well-being.**

Right to an adequate standard of living

434. The Committee is concerned about the high proportion of the population living below the poverty line and the disproportionate percentage of average income spent on food.

435. **In accordance with article 27 of the Convention, the Committee recommends that the State party strengthen its efforts to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, and to guarantee the right of children to an adequate standard of living.**

7. Education, leisure and cultural activities

436. The Committee welcomes the launching in 2000 of the Special Four-Year Plan for Education (2000/01-2003/04) aimed at promoting the basic education sector, and of the “Education for All” National Action Plan introduced in 2003 which is aimed specifically at the “access, quality and relevance” of education, but is seriously concerned at the following problematic aspects of the existing education system:

(a) The low quality of education reflected in the high repetition and dropout rates, which affect more girls than boys;

(b) The significant variation in school enrolment between urban and rural areas, and the particularly low level of enrolment of children belonging to minority groups;

(c) The limited length of compulsory education, which ends at the fourth grade;

(d) Free primary education is not guaranteed in practice, as parents are required to cover the costs of uniforms, textbooks, stationery and other supplies; and

(e) The majority of schools in Myanmar do not provide a conducive learning environment for children owing to, inter alia, the poor conditions of buildings, the poor quality of teaching/learning methodologies and the shortage of qualified teachers.

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

(a) **Improve the quality of 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 (2001) on the aims of education;**

(b) **Introduce human rights, including children’s rights, into the school curricula, starting at the primary level;**

- (c) **Ensure that primary education is free in practice by minimizing all costs borne by parents;**
- (d) **Extend compulsory education to at least the sixth grade;**
- (e) **Strengthen its efforts to progressively ensure that girls as well as boys, from urban, rural and remote areas, and children belonging to minority groups all have equal access to educational opportunities;**
- (f) **Adapt school curriculum to suit the particularities of the local communities, in particular for ethnic minority groups, and make use of local teachers to help children who are experiencing language difficulties;**
- (g) **Take the necessary measures to improve the poor quality of education and to ensure efficiency in the management of education, in particular by significantly increasing the resources allocated to education, hiring more qualified teachers and providing them with more opportunities for training;**
- (h) **Raise awareness of the importance of early childhood education and introduce it into the general framework of education;**
- (i) **In light of article 12, encourage participation by children at all levels of school life;**
- (j) **Build better infrastructure for schools; and**
- (k) **Seek assistance from UNICEF and UNESCO in the implementation of the above.**

8. Special protection measures

Refugee/internally displaced children

438. The Committee notes that a large number of returnees from Bangladesh to northern Rakhine State have gone back to their villages of origin, but is concerned that some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent throughout the country remain stateless, making it impossible for children of these families to benefit from the provisions and principles of the Convention. The Committee is further concerned at the very high number of children and their families who were internally displaced in Myanmar and that many were forced to seek asylum in neighbouring countries owing to the armed insurgencies taking place in various parts of Myanmar.

439. **In light of articles 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party:**

- (a) **Take the necessary measures to allow children and their families who have returned to Myanmar and who are stateless to acquire Myanmar citizenship by way of naturalization;**

- (b) Strengthen its efforts to provide adequate assistance to internally displaced children, including their access to food, education and health, and to support the return home of internally displaced populations and their reintegration into their communities;**
- (c) Prevent situations which force children and their families to leave Myanmar;**
- (d) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons; and**
- (e) Work closely in this regard with UNHCR and UNICEF.**

Child soldiers/children affected by armed conflict

440. The Committee welcomes the establishment of the Committee for the Prevention of the Recruitment of Child Soldiers, but is deeply concerned at the direct and indirect impact of the armed conflicts on children in the State party. In particular, the Committee is extremely concerned at the use of children below the age of 15 years as soldiers by both the governmental armed forces and the armed groups as has repeatedly been reported, notably in the last report of the Secretary-General on children and armed conflict (A/58/546-S/2003/1053 and Corr.1 and 2). The Committee is also concerned at the military training provided to pupils attending the Nyunt Youth Programme, which could potentially lead to the militarization of children.

441. **In light of articles 34 and 38 and other related articles of the Convention, the Committee recommends that the State party:**

- (a) Strengthen its efforts to end the armed conflict and to ensure that the protection and promotion of children's rights are given due consideration in any peace negotiations;**
- (b) Prioritize the demobilization and reintegration of all combatants under 18;**
- (c) Continue to take measures to ensure that all military recruits meet the minimum age recruitment of 18 years and that they enter voluntarily;**
- (d) Ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;**
- (e) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, while ensuring their privacy;**
- (f) Take effective measures to ensure that children affected by the conflict can be reintegrated into the education system, including through non-formal education programmes and by prioritizing the restoration of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas; and**
- (g) Seek in this regard technical assistance from, inter alia, UNICEF.**

Economic exploitation, including child labour

442. The Committee notes that the 1993 Child Law prohibits child labour, but is deeply concerned that economic exploitation is extremely widespread in Myanmar and that children may be working long hours at young ages, with very negative impacts on their development and school attendance. While noting the adoption of a joint Plan of Action for the Elimination of Forced Labour with ILO, the appointment in 2002 of an ILO Liaison Officer and the recent appointment of the ILO Facilitator, the Committee is extremely concerned at practices of forced labour among children, notably those organized by the armed forces.

443. **In line with its previous recommendations (ibid., paras. 42 and 43), the Committee strongly recommends that the State party:**

(a) Adopt and implement a comprehensive national plan of action to prevent and combat child labour;

(b) Amend, where necessary, and strengthen the implementation of the labour laws, notably through prosecution of those who make use of forced labour, and increase the number and quality of labour inspectors;

(c) Consider ratifying and implementing the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention 1999 (No. 182);

(d) Continue to seek assistance from ILO through the joint Plan of Action for the Elimination of Forced Labour, the ILO Liaison Officer and the ILO Facilitator, whose work should begin without delay, ensuring that clear and effective communication is reinstated with ILO.

Sexual exploitation

444. The Committee is concerned about the increasing number of child victims of sexual exploitation, including prostitution and pornography, especially among those engaged in child labour and street children. Concern is also expressed at the programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation, which are insufficient and inadequate.

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

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

(b) Strengthen its efforts to combat sexual exploitation 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.

Trafficking in children

446. The Committee notes the various activities carried out by the State party to combat human trafficking, such as the establishment of an inter-agency working group on trafficking and targeted research and awareness-raising activities, yet is concerned at the large number of children being trafficked for their exploitation to neighbouring countries, notably Thailand.

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

(a) Formulate a national plan of action to combat trafficking;

(b) Further strengthen the necessary measures to prevent and combat the sale and trafficking of children, including awareness-raising campaigns and educational programmes, targeting parents in particular;

(c) Increase cross-border cooperation and collaboration with neighbouring countries within the framework of the United Nations Inter-Agency Project to Combat Trafficking in Women and Children in the Mekong Sub-region (UNIAP), including through bilateral and multilateral agreements;

(d) Facilitate the reunification of child victims with their families and provide adequate care and rehabilitation for them; and

(e) Continue to seek assistance from, among others, UNICEF.

Street children

448. The Committee expresses its concern at reports of an increasing number of street children and the lack of specific mechanisms and resources to address this situation and to provide these children with adequate assistance.

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

(a) Carry out a national study to assess the scope, nature and causes of the phenomenon of street children in order to develop a comprehensive policy for preventing and reducing it;

(b) Provide street children, wherever they are in the State party, with recovery and rehabilitation services and, wherever necessary, with adequate nutrition, necessary health care and educational opportunities; and

(c) Seek assistance from, inter alia, UNICEF.

Administration of juvenile justice

450. The Committee is concerned at the limited progress achieved in establishing a functional and adequate juvenile justice system throughout the country. In particular, the Committee is concerned about:

- (a) The absence of juvenile courts and juvenile judges and the lack of social workers and teachers specializing in this field;
- (b) The overuse and long periods of pre-trial detention, which has no established limits;
- (c) The poor conditions of detention;
- (d) The lengthy periods before juvenile cases are heard;
- (e) The lack of assistance for the rehabilitation and reintegration of juveniles following judicial proceedings;
- (f) The sporadic training of judges, prosecutors and prison staff;
- (g) The minimum age for criminal responsibility (age 7), which is far too low;
- (h) The lack of a provision in the Child Law ensuring legal assistance; and
- (i) The legal sanctions imposed on children who commit statutory offences such as begging.

451. The Committee recommends that the State party take additional steps to reform the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

452. In line with its previous recommendations (ibid., para. 46) the Committee recommends that within this reform, the State party undertake, in particular, measures to:

- (a) Raise the age of criminal responsibility to an internationally acceptable age;**
- (b) Ensure that all alleged offenders below the age of 18 are judged according to a specific procedure and do not receive the same penalties as adults;**
- (c) Ensure the establishment of juvenile courts and appoint trained juvenile judges in all regions of the country;**
- (d) Limit by law the length of pre-trial detention;**
- (e) Provide children with legal assistance at an early stage of judicial proceedings;**

(f) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including a child-sensitive and accessible independent mechanisms for children to make complaints, and the separation of child offenders from children in need of special protection;

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

(h) Introduce regular medical examination of inmates by independent medical staff;

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

(j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;

(k) Review the procedure concerning the quasi-judicial decisions to send children under the age of 18 to training schools, without the possibility of appeal; and

(l) Consider seeking technical assistance from, inter alia, OHCHR and UNICEF.

Children belonging to indigenous and minority groups

453. The Committee is deeply concerned about the situation of the children of the Bengali people residing in northern Rakhine State, also known as the Rohingyas, and of children belonging to other ethnic, indigenous or religious minorities and in particular that many of their rights are denied, including the rights to food, to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination.

454. **The Committee urges the State party to gather additional information on all ethnic minorities and other marginalized groups and to elaborate policies and programmes to fully ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations on the rights of indigenous children made at its day of general discussion (CRC/C/133, para. 624).**

9. Optional protocols

455. **The Committee encourages the State party to ratify and implement 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 documentation

456. **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 non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

11. Periodicity of submission of reports

457. Finally, in light of the recommendation on reporting periodicity adopted by the Committee and described in the reports on its twenty-ninth (CRC/C/114) and thirty-second (CRC/C/124) sessions, 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 13 August 2008, the due date of the fourth periodic report. 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: Dominica

458. The Committee considered the initial report of Dominica (CRC/C/8/Add.48), submitted on 21 January 2001, at its 963rd and 964th meetings (see CRC/C/SR.963 and 964), held on 28 May 2004, and adopted, at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

459. The Committee welcomes the submission of the State party's initial report and appreciates the fact that it not only mentions the progress made but also identifies the difficulties, making recommendations for further actions. The Committee also welcomes the written replies to the list of issues (CRC/C/Q/DMA/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive dialogue held with the delegation of the State party.

B. Positive aspects

460. The Committee notes with appreciation:

- (a) The amendment to the Education Act No. 11 of 1997 in order to provide early childhood education for children from 0 to 5 years instead of from 3 to 5 years as previously;
- (b) Act No. 22 of 2001 on Protection against Domestic Violence which contains specific provisions covering various forms of violence against children;

(c) The amendment to the Maintenance Act in 2001 to provide access by unwed fathers to their children and also increased weekly child maintenance by 50 per cent;

(d) The Social Security Miscellaneous Amendment regulation through which maternity grant was increased by 100 per cent, retroactive to 1996;

(e) The ratification of 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.

C. Factors and difficulties impeding the implementation of the Convention

461. The Committee acknowledges the challenges faced by the State party, namely the vulnerability to natural disasters, including hurricanes, and the economic difficulties which impede progress to the full realization of the children's rights enshrined in the Convention.

D. Principle areas of concern and recommendations

1. General measures of implementation

Legislation

462. While noting the efforts undertaken by the State party to harmonize its legislation with regard to children, the Committee is nevertheless concerned that the existing legislation does not fully reflect the principles and provisions of the Convention.

463. The Committee recommends that the State party take all necessary measures to ensure that its legislation conforms fully with the principles and provisions of the Convention, and ensure its effective implementation.

National plan of action

464. The Committee takes note that a national plan of action, which will coordinate the activities of both public and private sector focusing on children's needs, is in preparation but is concerned at the delay in finalizing, adopting and implementing it.

465. The Committee encourages the State party to expedite its efforts in developing and effectively implementing a comprehensive national plan of action for the full implementation of the Convention that includes a focus on children as well as youth, incorporating the objectives and goals of the outcome document of the General Assembly Special Session on Children entitled "A world fit for children". Furthermore, the Committee recommends that the plan of action include all issues related to children as discussed at the recent retreat with Cabinet and senior policy makers and that it involve all actors, including children. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

Coordination

466. The Committee notes the coordinating role of the Social Welfare Division of the Ministry of Community Development and Women's Affairs, the advisory and monitoring role of the National Committee on the Rights of the Child and the plans to set up an inter-ministerial committee for children. However, the Committee is concerned about possible overlap which may impede the effective coordination of all the activities regarding the implementation of the Convention.

467. The Committee recommends that the State party take all measures to ensure effective coordination between all bodies and organizations in the implementation of the Convention.

Independent monitoring

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

469. Taking fully into account the Committee's General Comment No. 2 (2002) on national human rights institutions, the Committee encourages the State party to pursue its efforts to develop and establish an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children, that will monitor the implementation of the Convention, deal with complaints from children in a child-sensitive and expeditious manner, and provide remedies for violations of their rights under the Convention.

Resources for children

470. The Committee welcomes the various measures taken to improve the economic growth of the country such as debt restructuring, diversification of agriculture and the creation of various funds. However, it remains concerned that budgetary allocation is still insufficient for the implementation of the Convention, particularly in the areas of health and education.

471. 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

472. While taking note of the efforts made in the collection of statistical data by the various ministries, the Committee is nevertheless concerned about the lack of an integrated, analytical and disaggregated data-collection system which cover all areas of the Convention. It also notes that such data are crucial for the monitoring and evaluation of progress achieved and the formulation and assessment of policies with respect to children.

473. **The Committee recommends that the State party continue its efforts to develop a comprehensive system of data collection that covers all areas of the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.**

Training and dissemination of the Convention

474. The Committee welcomes the efforts made by the National Committee for the Rights of the Child to promote public awareness and education of the provisions and principles enshrined in the Convention. However, the Committee is concerned about the cultural norms and societal beliefs regarding children which perceive the promotion of childrens' rights as the erosion of parental rights and societal control.

475. **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 and continue its systematic education and training on the Convention for all professional groups working for and with children, including parliamentarians, law enforcement officials, teachers, as well as children and their parents.**

2. Definition of the child

476. The Committee is concerned that the minimum age for access to employment (12 years) is not in harmony with the age at which compulsory education ends (16 years). Furthermore, the Committee is concerned that the distinction between a child (under 14 years) and a young person (between the ages of 14 and 18 years) may result in confusion and less protection for a young person.

477. **The Committee recommends that the State party increase the minimum age for admission to employment in order to harmonize it with the age at which compulsory education ends. It also recommends that the State party ensure that, despite the current distinction between a child and a young person, both receive the same protection under the Convention.**

3. General principles

Non-discrimination

478. The Committee is concerned that societal discrimination persists against vulnerable groups of children, including children with disabilities and Carib Indian children.

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

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

Respect for views of the child

481. While taking note of the establishment of the National Youth Council, the Youth Parliament and the Youth Division, the Committee remains concerned that, owing to cultural norms and societal attitudes, children have limited opportunities to freely express their views within the family, in schools and in the courts.

482. **The Committee recommends that the State party ensure that children's views are given due consideration in the family, the schools and the courts.**

4. Civil rights and freedoms

Birth registration

483. The Committee notes with appreciation the various actions taken by the State party. However, the Committee is concerned about children who have not been named and registered in accordance to article 7 of the Convention.

484. **The Committee urges the State party to increase its efforts, including legislative measures and awareness-raising campaigns, to ensure the registration of all children at birth, in accordance with article 7 of the Convention.**

Corporal punishment

485. The Committee is deeply concerned at the wide use of corporal punishment in the State party. It also notes with concern that corporal punishment is mentioned in the Education Act of 1997 and that the Magistrate Code of Procedure allows the whipping of a male child or a young person.

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

(a) Remove all provisions from laws that allow corporal punishment and explicitly prohibit corporal punishment by law in the family, schools and other institutions;

(b) Continue the constructive dialogue with political leaders and the judiciary with the aim of abolishing corporal punishment;

(c) Continue to strengthen public education campaigns among community leaders, school administrators and parents about the negative consequences of corporal punishment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish an effective mechanism, either separate or as a part of a mechanism that includes dealing with child abuse, to receive, monitor and investigate complaints, including intervening where necessary, and ensure that victims of corporal punishment have access to assistance for recovery; and

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

5. Family environment and alternative care

Parental responsibilities

487. The Committee notes with concern the limited degree to which fathers assume their parental responsibility.

488. The Committee recommends that the State party undertake measures to strengthen the capacities of families to take care of their children, and in particular pay attention to strengthening the role of fathers.

Family environment and alternative care

489. The Committee notes with appreciation that there are no institutions in the State party for the placement of children. The Committee takes note of Operation Youth Quake, which caters for children in need of placement, but remains concerned at the insufficient financial and human resources required for its effective functioning.

490. The Committee encourages the State party to continue to strengthen Operation Youth Quake by providing it with sufficient resources and support to enable it to function efficaciously.

Child abuse and neglect

491. The Committee welcomes the establishment of the Child Abuse Prevention Programme by the State party and other efforts to address child abuse and neglect. However, it remains concerned about the high incidence of child abuse in the State party.

492. The Committee recommends that the State party:

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

(b) Develop a national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child sensitive and ensures the victims' privacy;

(c) Strengthen the activities of the Social Welfare Division and its cooperation with non-governmental organizations and provide it with the necessary resources to establish a comprehensive and nationwide response system which would provide, where appropriate, support and assistance to both victims and perpetrators;

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

6. Basic health and welfare

Children with disabilities

493. The Committee is concerned about children with disabilities who often suffer from societal discrimination, and that a significant proportion of them do not attend school or participate in social and cultural life.

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

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

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

(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).**

Health and health services

495. While taking note of the positive measures undertaken by the State party to address the issues related to health services, the Committee remains concerned at the poor availability of drinking water and adequate sanitation facilities in certain areas of the country and specifically in the Carib Territory.

496. **The Committee recommends that the State party take all necessary measures to ensure access to drinking water and adequate sanitation facilities throughout the country.**

Adolescent health

497. The Committee is concerned at the high incidence of teenage pregnancies and alcohol abuse among adolescents and the insufficient level of youth mental health services, particularly in rural areas and for Carib Indian children.

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

(a) **Undertake effective measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curriculum and strengthening the campaign of information on the use of contraceptives;**

(b) Undertake effective preventive and other measures to address the rise in alcohol consumption by adolescents and increase the availability and accessibility of counselling and support services, in particular for Carib Indian children;

(c) Strengthen mental health and counselling services, ensuring that they are accessible to, and appropriate for, all adolescents, including Carib Indian children and those in rural areas.

7. Education, leisure and cultural activities

499. The Committee takes note of the efforts undertaken by the State party to establish programmes such as the Education Trust Fund and Free Textbooks in order to assist children living in poverty. However, the Committee is concerned at the sustainability of such programmes. Furthermore, the Committee is deeply concerned about the quality of education, access to education by pregnant girls and teenage mothers and the high drop-out rate, in particular among boys.

500. **The Committee recommends that the State party, in the light of the Committee's General Comment No. 1 (2001) on the aims of education:**

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

(b) Seek to implement further participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the access to education of children from all groups in society, particularly children living in poverty;

(c) Ensure that school attendance officers use child-sensitive means to bring more children to school and take other measures to give children incentives to stay in the educational system;

(d) Provide education opportunities for pregnant girls and teenager mothers so that they can complete their education;

(e) Continue and strengthen the training of young teachers in particular and retain teachers in primary and secondary education;

(f) Include human rights education in the curriculum;

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

8. Special protection measures

Drug abuse

501. The Committee welcomes the existence of the Drug Prevention Unit within the Ministry of Health. However, the Committee is concerned about the sustainability of its activities. The Committee is further concerned at the lack of a minimum age for purchasing alcohol and other controlled substances.

502. **The Committee recommends that the State party provide the Drug Prevention Unit with the necessary human and financial resources to ensure continuation of its activities. It further recommends that it set the minimum age for purchasing alcohol and other controlled substances at 18 and take all the necessary measures to fully implement and enforce this minimum age.**

Juvenile justice

503. The Committee is concerned at the lack of juvenile courts and at the fact that children may be sentenced to a penalty at the “President’s pleasure”, to life imprisonment and to whipping in private.

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

(a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee’s 1995 day of general discussion on the administration of juvenile justice (CRC/C/69);

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

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

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

(a) Review the sentencing of children at the “President’s pleasure” so that the decision is in the hands of the judge;

(b) Abolish the sentences of whipping and life imprisonment;

(c) Separate children from adults in detention, including in pre-trial detention centres.

Children belonging to a minority or an indigenous group

506. The Committee acknowledges the various measures undertaken with regard to the Carib Indian children. However, the Committee is concerned about the limited enjoyment of their rights; particularly with regard to their access to education and health owing to widespread poverty.

507. The Committee recommends that the State party continue and strengthen its efforts to improve the enjoyment of the rights of Carib Indian children, in particular by effective measures to reduce poverty in the Carib Indian Territory.

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

508. The Committee, while welcoming the ratification of 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, notes with concern that the submission of the initial reports on the Optional Protocols are overdue.

509. The Committee urges the State party to submit its initial reports on the Optional Protocols as soon as possible.

10. Dissemination of documents

510. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and 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

511. In light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/139), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second and third reports in one consolidated report by 1 September 2006, the due date for the submission of the third report. This report should not exceed 120 pages (see CRC/C/118), and the Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

Concluding observations: Democratic People's Republic of Korea

512. The Committee considered the second periodic report of the Democratic People's Republic of Korea (CRC/C/65/Add.24) at its 965th and 966th meetings (see CRC/C/SR.965 and CRC/C/SR.966), held on 1 June 2004, and adopted at the 971st meeting (see CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

513. The Committee welcomes the submission of the State party's reports 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/PRK/2), which allowed for a clearer understanding of the situation of children in the State party. The Committee notes the constructive dialogue it had with the State party's delegation.

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

514. The Committee notes with appreciation the adoption of the following laws aimed at enhancing the implementation of the Convention:

(a) The Education Law, adopted in 1999, ensuring free compulsory education for 11 years, including for children with disabilities;

(b) The Law on the Protection of Disabilities, adopted in 2003, ensuring equal access for persons with disabilities to public places, transportation and public services; and

(c) The Law on Complaints and Petitions adopted in 1998.

515. The Committee notes the amendments made to various legislative provisions to enhance the implementation of the Convention, including the Citizenship Law (1999), the Law on Medical Care (1990), the Law on Compensation for Damages (2001) and the Inheritance Law (2002).

516. The Committee also notes the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 2001.

C. Factors and difficulties impeding the implementation of the Convention

517. The Committee takes note of the fact that the State party still suffers from the dissolution of its traditional economic ties at the beginning of the 1990s, and from the effects of the natural disasters in the mid-1990s, which still have a negative impact on its economy and trading capacity, despite the economic reform process it has engaged in since 2002.

D. Principle areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

518. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.88) made upon the consideration of the State party's initial report (CRC/C/3/Add.41) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, data collection (para. 22), non-discrimination, the best interests of the child and respect for the views of the child (para. 11), corporal punishment (para. 13), child abuse and neglect (para. 19), alternative care (para. 29), and juvenile justice (para. 34) have not been given sufficient follow-up. The Committee notes that these concerns and recommendations are reiterated in the present document.

519. The Committee urges the State party to make every effort to address those recommendations from the concluding observations of 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 of the Democratic People's Republic of Korea.

Legislation

520. While taking note of legislative reforms mentioned in paragraph 3 above, the Committee remains concerned that not all domestic legislation fully conforms to the principles and provisions of the Convention.

521. The Committee recommends that the State party take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention and ensure that the laws which have already been amended or adopted are implemented effectively.

National plan of action and coordination

522. The Committee welcomes the establishment of the National Coordination Committee for the Implementation of the Convention on the Rights of the Child (NCRC) on 28 April 1999 and the adoption of a second National Plan of Action for the Well-Being of Children (2001-2010), which sets out clear goals and a time frame to meet them. However, the Committee is concerned that the Plan does not deal with the rights of the child in a comprehensive manner, and at the lack of clear coordination of the efforts of various ministries to implement the Plan. The Committee also regrets the lack of information on the financial and human resources provided both for the implementation of the Plan and its coordination.

523. The Committee recommends that the State party:

(a) Take necessary steps to either supplement the existing National Plan of Action, or consider drafting a new, comprehensive Plan to include the Millennium

Development Goals and reflect the conclusions contained in “A World Fit for Children”, and to involve agencies of the United Nations system, international non-governmental organizations (NGOs) and donor countries, as well as children, in these efforts;

(b) Designate or establish a single governmental body responsible for the effective coordination of all activities for the future implementation of the National Plan of Action, and allocate the necessary human and financial resources for its full implementation, and put in place appropriate coordinating, monitoring and evaluation mechanisms. This body should also coordinate all other activities related to the implementation of the Convention on the Rights of the Child, including those at the local levels, as well as the concluding observations of the Committee.

Independent monitoring

524. While welcoming the adoption of the Law on Complaints and Petitions in June 1998, the Committee notes with concern that, although there are many institutions that have the ability to receive complaints, this is restricted to complaints on their own mandates. Furthermore, the Committee expresses concern over their lack of independence, their limited accessibility, and that children have little or no knowledge of their existence or their functions.

525. The Committee recommends that the State party improve the existing complaints mechanisms, inter alia, by issuing clear guidelines that are understandable and accessible to children, and guaranteeing that filing individual complaints against any particular institution will have no negative consequences for the child. In addition, the Committee strongly recommends the State party to establish an independent and effective mechanism, taking into account the Committee’s General Comment No. 2 on national human rights institutions, and in accordance with the Paris Principles (General Assembly resolution 48/134). Such an institution should monitor the implementation of the Convention, be easily accessible for children, be provided with adequate human and financial resources, and have the power 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.

Cooperation with civil society

526. The Committee is concerned that despite its previous recommendations, insufficient efforts have been made to involve civil society in the implementation of the Convention, its rights-based approach and its reporting process.

527. The Committee recommends that the State party strengthen its efforts to systematically involve communities and other elements of civil society throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting process of the next report to the Committee.

Resources for children

528. The Committee is concerned that despite the increase of the social budget, expenditures for children in absolute terms, especially in the education and health sectors, have decreased over the years.

529. 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

530. The Committee is concerned at the absence of reliable data and the lack of an adequate national qualitative and quantitative data collection system in all areas covered by the Convention, which limits the State party’s capacity to adopt appropriate policies and programmes.

531. The Committee recommends that the State party continue to develop a system of qualitative and quantitative data collection and indicators consistent with the Convention and disaggregated by gender, age, provinces and cities, as well as urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective monitoring, evaluation and implementation of the Convention both at the national and local levels. The Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children’s Fund, the United Nations Population Fund and the United Nations Development Programme (UNDP).

International cooperation

532. The Committee notes that the State party’s cooperation with United Nations bodies and specialized agencies and international NGOs have significantly contributed to the implementation of the rights of children, but is concerned that a large proportion of children are still in need of humanitarian assistance, which indicates the necessity for the State party to strengthen its international cooperation.

533. The Committee recommends that the State party strengthen its cooperation with United Nations bodies and specialized agencies and the international donor community in the area of policy planning, and to provide them with full access to all vulnerable groups, in particular children, and to areas which require special attention and share information on policies and financial expenditures in the social sector.

Training and dissemination

534. While aware of the measures undertaken by the State party to promote awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened and systematized with a specific focus on the child as a subject of rights. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children, as well as children themselves.

535. In line with its previous recommendations (CRC/C/15/Add.88, para. 35) and article 42 of the Convention, the Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Moreover, the Committee encourages the State party to undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, as well as teachers, health personnel, psychologists and social workers and the children themselves. Technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights and UNICEF could be requested in this regard.

2. Definition of the child

536. The Committee reiterates its previous concerns that the age of majority, set at 17, does not ensure full protection for all persons under 18 and that some legal minimum ages are discriminatory, such as the age of marriage for girls (17), which is different to the one of boys (18).

537. The Committee reiterates its previous recommendation that the State party increase the age of majority to 18. The Committee further recommends that the State party raise the minimum age of marriage for girls to that of boys (18 years).

3. General principles

Non-discrimination

538. The Committee is concerned that some groups of children, including children with disabilities, children belonging to different social groups, and children living in rural and remote areas, suffer from disparities in accessing basic services. In some instances, girls still suffer from prejudicial traditional stereotypes.

539. 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 and against all vulnerable groups. The Committee requests the State party to pay particular attention to children with disabilities, children belonging to different social groups, and those living in rural and remote areas, as well as to preventing and combating prejudicial stereotypes against girls and women.

540. **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 Durban 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 the aims of education.**

Respect for the views of the child

541. The Committee notes that children are given opportunities for participation, principally through the Youth League and Children's Unions. However, it is concerned that children's opinions are not given sufficient consideration and that respect for their views remains limited in the family, in schools, in courts and before administrative authorities and in society at large, due mainly to traditional and patriarchal attitudes. It is also concerned that child participation remains essentially a formal and hierarchical concept, and that creative and informal channels of participation are not given enough consideration and weight.

542. **The Committee encourages the State party to 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 procedures concerning them. This should be undertaken through, inter alia, the adoption of appropriate legislation and policies, the training of professionals, awareness-raising of the public at large and the establishment of specific creative and informal activities in and outside schools.**

4. Civil rights and freedoms

543. The Committee is concerned about the lack of information on civil and political rights and persistent reports of limitations on the civil and political rights of citizens, including children, in particular freedoms of opinion, expression, thought, conscience, religion, and movement, as well as the right to privacy, as stated by the Commission on Human Rights in its resolutions 2003/10 and 2004/13.

544. **The Committee recommends the State party to provide concrete information in its next report, citing examples of daily practices, on the ways domestic provisions apply to persons under the age of 18 in the State party, with specific reference to the rights enshrined in articles 13 to 17 of the Convention, including freedom of opinion, expression, thought, conscience, religion, and movement, as well as the right to privacy.**

Torture and other cruel, inhuman or degrading treatment or punishment

545. The Committee is concerned at the various reports on the persistence of some forms of institutional violence against persons under 18, especially in detention and in social institutions.

546. **The Committee recommends the State party to continue and strengthen all necessary measures to prevent and eliminate any form of institutional violence.**

Corporal punishment

547. While welcoming the positive steps taken by the State party and the information that it has almost eliminated corporal punishment through, inter alia, public campaigns, the Committee remains concerned that owing to traditional customs, corporal punishment may still be practised and accepted in schools, families, and care institutions.

548. **The Committee encourages the State party to continue to reinforce its public awareness campaigns to promote positive, participatory and non-violent forms of discipline as an alternative to corporal punishment at all levels of society.**

5. Family environment and alternative care

Parental responsibilities and childcare services

549. The Committee notes with appreciation the commitment of the State party to early childcare based on the 1976 Law on Nursery and Upbringing of Children. However, it is concerned at the excessive degree of State involvement in childcare to the detriment of the parental involvement, hindering psychosocial and cognitive development of children. Of particular concern are the widespread practice of leaving children in nurseries from Mondays to Saturdays and the upbringing of twins and triplets being relinquished to the State. Furthermore, the Committee expresses concern over the lack of human and financial resources available for nurseries, which affects the quality of care.

550. **In the light of article 18, paragraph 1 of the Convention, the Committee recommends that the State party place greater emphasis on its policies on the primary responsibilities of parents, and to encourage and provide parents with the necessary support to enable their greater involvement in the nursing and upbringing of their children, reducing the role of the State to a subsidiary and not a primary one.**

551. The Committee notes the State party's commitment to early childhood development and the high enrolment rates in nurseries and kindergartens. However, it is concerned that the economic hardships facing the country have negatively affected the quality of services provided by childcare facilities, and that there is no comprehensive strategy to address this problem.

552. **The Committee recommends the State party to promote day-care nurseries and kindergartens and to discourage the use of the 24-hour nursery and kindergarten system (often 5 days a week), to be used by parents only as a last resort. The Committee recommends the State party to develop a strategy to increase the financial and human resources available for childcare facilities and ensure a basic minimum standard of services for all institutions, in particular with regard to nutrition, heating, water, sanitation and hygiene.**

Separation of children from parents

553. The Committee is concerned at the information that the whereabouts of parents may not be provided to children if the parents have been sentenced to reform through labour or have been punished by death for a crime.

554. **The Committee recommends that the State party take all necessary measures in line with article 9, paragraph 3, of the Convention to keep children informed about the whereabouts of their parents, and to fully implement their right to maintain personal relations and direct contact with both parents on a regular basis.**

Alternative care

555. The Committee is concerned at the relatively high numbers of children who are separated from their parents and are living in institutions, such as children's homes, orphanages and orphan schools.

556. **The Committee recommends the State party:**

(a) To undertake the necessary measures to reduce the institutionalization of childcare by strengthening and supporting the system of foster care, family group homes (4-6 children) and, whenever appropriate, domestic adoption;

(b) To ensure that placements in institutions, if made, are periodically reviewed, in accordance with article 25 of the Convention;

(c) To consider adopting legislation on adoption, in light of the provisions of the Convention; and

(d) To consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.

Abuse and neglect

557. The Committee notes the low number of cases of child abuse reported in families and the absence of any reported cases of abuse outside the family, which may indicate underreporting. The Committee is concerned about the State party's assertion that "as violence, abuse, neglect, maltreatment and exploitation of children are no longer a social issue, the social reintegration of the victim is no longer a matter of great concern" (CRC/C/65/Add.24, para. 145). The Committee also notes some seemingly confusing information on the prevalence of abuse and neglect of children. The low number of reported cases may be a reflection of the reality, but may also be indicative of an ineffective reporting system.

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

(a) Conduct an in-depth study to find out the nature and the extent of abuse and neglect, with a view to developing a strategy to deal with this phenomenon;

(b) Give attention to addressing and overcoming sociocultural barriers associated with child abuse and neglect;

(c) Ensure that child victims receive appropriate support and services;

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

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

6. Basic health and welfare

Children with disabilities

559. The Committee notes with appreciation the new legislation enacted in 2003 to protect the rights of disabled persons and the active work undertaken since 1998 by the Korean Association for Supporting the Disabled, including its first survey. It remains nevertheless concerned at the very poor living conditions of the disabled, their lack of integration in schools and society at large, the lack of recovery measures, and at prevailing discriminatory attitudes toward them in society.

560. In line with 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), it is recommended that the State party:

(a) Establish a comprehensive and inclusive 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 integrate 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 from, among others, UNICEF and WHO for the training of professional staff, including teachers working with children with disabilities.

Basic health and health services

561. While noting that health services are free and cover all areas of the country, the Committee is concerned about increasing infant and child mortality rates, high rates of

malnutrition and stunting in children, alarming increases in maternal mortality rates and due to the high rate of voluntary termination of pregnancy. It is also very concerned that, despite the competence of doctors and other medical or paramedical staff, hospitals and clinics acutely suffer from shortages of basic medicine and medical instruments. The Committee is also seriously concerned that access to clean drinking water is rare in the country, sanitation conditions are poor, and that human excrements are sometimes used as fertilizers.

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

(a) Take all necessary measures to improve the quality of its health system and its health expenditures, reducing infant, child and maternal mortality rates, preventing communicable diseases by stepping up immunization programmes, preventing and treating diarrhoeal diseases and acute respiratory tract infections and malaria, among others;

(b) Improve accessibility to information on family planning and availability of contraceptives;

(c) Effectively address the serious issue of malnutrition by providing adequate nutritional food and supplements, as well as education on healthy early habits; and

(d) Seek, where necessary, international cooperation.

Adolescent health

563. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns.

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

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

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

7. Education, leisure and cultural activities

565. The Committee notes the State party's commitment to free universal education, particularly in the light of its current economic difficulties, and welcomes the information that compulsory education up to the age of 17 is free. However, the Committee remains concerned at the following problematic aspects with regard to education:

(a) Increasing absenteeism and seasonally low attendance rates of 60-80 per cent as a result of the prolonged economic hardship;

- (b) Hidden costs for parents, which constitute a serious burden in sending children to schools;
- (c) The quality of education, which requires further improvement;
- (d) That political background, opinions and activities can have an influence on admission to higher education;
- (e) That aims of education as stipulated in article 29 of the Convention are not at the centre of the learning process;
- (f) Human rights, including child rights, are not fully integrated into the school curricula, but only constitutes a part of “Virtue and Law” courses.

566. The Committee welcomes the recent efforts of the State party to increase the quality of its education system and encourages that these efforts be pursued. It also recommends that the State party:

- (a) Take measures to prevent and reduce absenteeism, including by providing adequate heating of school buildings in wintertime;**
- (b) Ensure that female pupils have the same opportunities as male pupils to access higher education;**
- (c) Sensitize the general public and children in particular to ensure that traditional gender stereotypes do not dictate the subjects studied by male and female pupils;**
- (d) Facilitate children’s access to information, including strengthening of efforts to increase access of the population to materials from other countries, and strengthen student exchange programmes;**
- (e) Ensure full implementation of the aims of education, taking into account article 29 of the Convention and the Committee’s General Comment No. 2;**
- (f) Integrate human rights and, in particular, child rights, in the school curricula as a subject on its own; and**
- (g) Seek technical assistance from, inter alia, UNESCO and UNICEF.**

8. Special protection measures

Children and military service

567. The Committee is concerned that, according to the current legislation, the minimum age for voluntary enlistment in the armed forces is set at 16 years and that, according to information it provided to the Committee on Economic, Cultural and Social Rights (HR/CESCR/NONE/2003/1), children attending school follow military camps during summer holidays, where “they learn how to dismantle and assemble weapons”.

568. **The Committee recommends that the State party take all necessary measures to ensure that article 38, paragraph 3, of the Convention is respected and to ensure that recruitment is genuinely voluntary when recruiting children between 16 and 18, and that priority will be given to the oldest applicants. The Committee also recommends the State party to ratify the Protocol to the Convention (see para. 66 below) and increase by law the age for recruitment and voluntary enlistment to 18 years. Furthermore, the Committee recommends that the State party take all necessary measures to avoid the early militarization of children.**

Child returnees

569. The Committee is concerned that, according to the State party information, there are some children from the Democratic People's Republic of Korea that cross the borders and apparently live on the streets of some Chinese cities close to the border which they cross. The Committee is deeply concerned at the information that children and their families who return or are deported back to the State party are considered not as victims, but as perpetrators of a crime.

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

- (a) Assess and analyse the causes of children crossing the borders to other countries;**
- (b) Treat the children who return to the State party as victims and not as perpetrators of a crime;**
- (c) Negotiate their safe repatriation with the Chinese authorities; and**
- (d) Provide them with the necessary support for reintegration and counselling.**

Economic exploitation

571. While noting that the minimum age for employment and labour is set at 16, the Committee notes that the State party has not ratified ILO Conventions No. 138 concerning 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, whose ratification would further improve the protection of persons below 18 from economic exploitation. The Committee also notes that the Democratic People's Republic of Korea is not yet a member of the International Labour Organization.

572. **The Committee recommends the State party to consider membership in ILO in order to be in a position to hereafter consider ratifying relevant ILO international conventions to protect persons below 18 from economic exploitation, and that it strictly apply the minimum age for access to employment (16).**

Trafficking in children

573. The Committee notes the lack of information in the State party report on human trafficking, in particular, involving children.

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

- (a) Undertake a comprehensive study to assess the nature and the extent of human trafficking, in particular involving children;**
- (b) Ensure the protection from sexual exploitation and trafficking in relevant legislation to all boys and girls below the age of 18 years; and**
- (c) Pursue efforts to combat sexual exploitation 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.**

Juvenile justice

575. The Committee takes note that most persons under the age of 17 in conflict with the law are dealt with without resorting to judicial proceedings, but the Committee remains unclear on how the safeguards enshrined in the Convention, especially in articles 37 and 40, are fully respected in this regard. In particular, it is concerned about the independence and impartiality of the authority taking the sentencing decisions. The Committee remains also unclear about the type of sentencing, called “public education measures”, which is applied to persons under 17. Furthermore, the Committee is very concerned that persons aged 17 are considered and treated as adults in the justice system, and therefore do not benefit from the special protection measures recognized in the Convention and can be sentenced to “reform through labour”.

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

- (a) Review its legislation and policies to ensure that the treatment of all persons in conflict with the law under the age of 18 conforms entirely to international juvenile justice standards and, 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), and ensure its full implementation;**
- (b) Amend the law so that persons under 18 are not sentenced to “reform through labour”;**
- (c) Provide in its next periodic report detailed information on how the non-judicial approach of the State party conforms to the human rights safeguards enshrined in articles 37, 40 and 39 of the Convention and on the nature and application of the sentence of “public education measures”;**
- (d) Provide in its next periodic report detailed information on the number of children that have appealed to a higher competent, independent and impartial authority according to law, and on the outcomes of these appeals;**

- (e) **Develop programmes for the reintegration of juvenile offenders, including those that were subject to education measures instead of detention; and**
- (f) **Seek technical cooperation from, inter alia, OHCHR and UNICEF.**

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

577. The Committee recommends that the State party 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.

10. Dissemination of documents

578. Finally, in the 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

579. In the 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 Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 20 October 2007, the due date for the submission of the fourth report. This 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: France

580. The Committee considered the second periodic report of France (CRC/C/65/Add.26), at its 967th and 968th meetings (see CRC/C/SR.967 and 968), held on 2 June 2004, and adopted at the 971st meeting, held on 4 June 2004, the following concluding observations.

A. Introduction

581. The Committee welcomes the submission of the State party's second periodic report prepared in accordance with the general guidelines regarding the form and contents of periodic reports (CRC/C/58) but regrets the fact that it does not contain information on the Overseas

Departments and Territories. The Committee welcomes the written replies to its list of issues (CRC/C/Q/FRA/2), although submitted with some delay, which give a clearer understanding of the situation of children in the State party. It further notes with appreciation the participation of a high-level delegation and welcomes the frank dialogue and the replies provided by the members of the delegation to the many questions posed.

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

582. The Committee welcomes the ratification by the State party of 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, as well as the ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes with appreciation the positive developments related to the implementation of the Convention, such as:

(a) The adoption by the State party in recent years of numerous laws and regulations, in particular:

- The provisions of the Act of 17 June 1998 on the prevention and suppression of sex offences and the protection of minors;
- The measures taken following the entry into force on 1 October 1998 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993 (Law No. 98-147 of 7 March 1998) and the related law of 6 February 2001 related to intercountry adoption;
- The Act of 30 June 2000 concerning supplementary benefit in the event of divorce;
- The Act of 3 December 2001 concerning the rights of a surviving spouse and children, eliminating discrimination in inheritance rights against children born out of wedlock;
- The Act of 4 March 2002 concerning parental authority;
- The Act of 4 March 2002 concerning surnames;
- The Act of 2 January 2004 on the protection of childhood;

(b) The measures taken in follow-up to the recommendations of the Committee, in particular the establishment of an Ombudsman for Children (Law of 6 March 2000), the establishment of the Commission of Inquiry on the Rights of the Child in France and the Parliamentary Delegations on the Rights of the Child (Law of 13 February 2003), as well as the establishment of a National Observatory for Childhood in Danger (Law of 2 January 2004).

C. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

583. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.20) it made upon consideration of the State party's initial report (CRC/C/3/Add.15) have been insufficiently addressed, particularly those contained in paragraphs: 11, 17 (on the reservation to article 30); 13, 19, 20 (disparities between the regions); 14 (the right to know one's origin); 22 (minimum age for marriage); 23 (on the expression of their views by children and due weight given); 24 (prevention of child abuse); 26 (juvenile justice); and 27 (children who have not completed compulsory schooling). The Committee notes that those concerns and recommendations are reiterated in the present document.

584. The Committee urges the State party to make every effort to address those recommendations from the concluding observations of 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. The Committee also urges the State party to incorporate the concept of the child as a subject of rights in all policies, programmes and projects and reiterates the invitation to the State party to withdraw its reservation and both declarations.

Legislation

585. The Committee notes the advisory role of the National Consultative Commission for human rights on legislation with a view to ensuring its conformity with the Convention, as well as the active role of non-governmental organizations in this respect. The Committee also welcomes the process of legislative reform related to the rights of the child.

586. The Committee urges the State party to take all necessary measures to ensure implementation of all legislation relevant to the Convention, taking into account training needs, monitoring mechanisms and the provision of adequate resources. It also encourages the State party to pursue its efforts to adopt legislation in the field of bioethics. The Committee requests the State party to provide in its next report information on the direct applicability of the Convention.

Implementation, coordination, evaluation and the National Plan

587. The Committee notes the multitude of actors involved in the implementation of the Convention but is concerned, as noted also by the State party, at the lack of coordination between them. In particular, the Committee is concerned that the increased responsibility of the departments, coupled with inadequate coordination, may result in duplication and in significant disparities in the implementation of the Convention. It may also be difficult to identify the competent body responsible for particular issues. In light of article 2 of the Convention, the Committee also is concerned at the fact that the report of the State party only briefly mentions the Overseas Departments and Territories.

588. **The Committee urges the State party to establish a body for overall coordination of the implementation of the Convention between the national and the departmental levels, including the Overseas Territories and Departments, with a view to decreasing and eliminating any possibility of disparity or discrimination in the implementation of the Convention. The State party should ensure that this body has adequate human and financial resources and an adequate and well-defined mandate to perform its task effectively.**

Allocation of resources

589. The Committee welcomes, in particular, the measures taken to harmonize the allocation of social assistance. It remains nevertheless concerned, as noted in its previous conclusions (CRC/C/15/Add.20, para. 13), at the inadequate measures taken to address the situation of the most vulnerable groups in society and their economic and social rights, in particular related to housing of poor families, such as families of immigrants.

590. **The Committee reiterates its previous recommendation to the State party to 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

591. The Committee regrets the reluctance of the State party to collect disaggregated data for all areas covered by the Convention throughout the area under its jurisdiction. Such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.

592. **The Committee urges the State party to establish a central registry for data collection and to introduce a comprehensive system of data collection, incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. Such information should include the Overseas Departments and Territories.**

Training/dissemination of the Convention

593. The Committee welcomes information provided in the report on the dissemination of the Convention and steps taken by the various ministries to make the Convention known. The Committee is however of the opinion that the spirit of the Convention may not be sufficiently known and understood by all professionals working with and for children.

594. **The Committee encourages the State party to continue its efforts to provide adequate and systematic training and/or sensitization on children’s rights of professional groups working with and for children, in particular law enforcement officials as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.**

2. Definition of the child

595. The Committee is concerned that the State party has not established a minimum age of criminal responsibility in spite of the express provision of article 40, paragraph 3 (a) of the Convention. The Committee also reiterates its concern that national legislation establishes a different minimum age for marriage for girls (15 years), and for boys (18 years). In addition to discrimination based on sex and effects it may have on the survival and development of young girls, such legislation makes the combating of forced marriages more difficult.

596. The Committee recommends that the State party establish a minimum age of criminal responsibility which is at the internationally acceptable level and below which a child shall be presumed not to have the capacity to infringe the penal law. It further recommends that the State party consider reviewing the minimum age for marriage with a view to raising the age for girls to that for boys, creating conditions conducive to countering forced marriages and ensuring to the maximum extent possible the development of the child.

3. General principles

Non-discrimination

597. The Committee welcomes plans to establish, in 2004, an independent authority to prevent and combat all forms of discrimination. However, the Committee is concerned that discrimination persists, in particular in the field of economic and social rights, hampering social integration, especially with respect to children residing in the Overseas Departments and Territories, foreign children and so-called “sans papiers” as well as children born out of wedlock and that, in practice, discrimination based on origin, colour, religion, name or other status still continues in certain areas.

598. The Committee reiterates its previous concerns and recommendations (CRC/C/15/Add.20, paragraph 19, related to regional disparities) and recommends that the State party review its existing legislation with a view to bringing it into compliance with the Convention and ensuring its effective implementation, including by taking necessary measures to prevent and combat persistence in practice of discrimination based on origin, colour, religion, name or other status. Furthermore, the Committee recommends that the State party expedite the process of legislation aimed at removing discriminatory terminology from the law.

599. 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 Durban 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 the aims of education.

Respect for the views of the child

600. The Committee welcomes the legislative efforts made by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned at inconsistencies in legislation as well as the fact that in practice, the interpretation of the legislation, and determination of which child is “capable of discernment”, may leave possibilities of denying a child this right or make it subject to the child’s own request and may give rise to discrimination. In addition, the Committee is concerned at the conclusion of the Special Rapporteur on the sale of children, child prostitution and child pornography that, in practice, most judges are not willing to hear children and that in the past, justice has failed child victims of sexual abuse (E/CN.4/2004/9/Add.1, paras. 85 and 89).

601. The Committee recommends that the State party review legislation with a view to removing inconsistencies related to the respect for the views of the child. Furthermore, it is encouraged to continue to promote and facilitate, within the family, schools, institutions as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention, as a right they are informed of, not merely a possibility. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society-at-large with a view to creating an encouraging atmosphere in which children can freely express their views, and where in turn, these are given due weight.

4. Civil rights and freedoms

Birth registration

602. The Committee takes note of the law adopted on 22 January 2002 related to the right to know one’s origins. However, the Committee remains concerned that the rights enumerated in article 7 of the Convention may not be fully respected by the State party and that the right to conceal the identity of the mother if she so wishes is not in conformity with the provisions of the Convention. Furthermore, the Committee is concerned at the low level of birth registration in French Guyana.

603. The Committee recommends that the State party take all appropriate measures to ensure that the provisions of article 7, especially the right of the child to know, as far as possible, his or her parents, be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3). It also encourages the State party to continue and strengthen its efforts to address the situation of birth registration in French Guyana.

Freedom of religion

604. The Committee notes that the Constitution provides for freedom of religion and that the law of 1905 on the separation of church and State prohibits discrimination on the basis of faith. The Committee equally recognizes the importance the State party accords to secular public

schools. However, in the light of articles 14 and 29 of the Convention, the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law No. 2004-228 of 15 March 2004) on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.

605. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights, as enshrined in the Convention, as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and ensure they enjoy the right of access to education.

Access to information

606. The Committee is concerned at the absence of appropriate laws or guidelines relating to the sale or accessibility of CD-ROMs, video cassettes and games, and pornographic publications facilitating access of a child to information and materials which may be injurious to her or his well-being.

607. The Committee recommends that the State party take necessary measures, including legal ones, to protect children from harmful effects of violence and pornography, in particular, in printed, electronic and audiovisual media.

Torture and other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

608. The Committee is concerned at the lack of information in the State party's report related to article 37 (a) and its previous recommendation (CRC/C/15/Add.20, para. 26) concerning children deprived of their liberty and allegations of acts of ill-treatment by public officials and detention conditions that may amount to ill-treatment.

609. The Committee urges the State party to include, in its next periodic report, specific information on conditions of detention and treatment of children and any follow-up it has given to its decision to eradicate all forms of ill-treatment. The Committee recalls that deprivation of liberty should always be envisaged as the very last resort and for the shortest possible period of time, and that particular attention should also be paid to psychological recovery and social reintegration.

5. Family environment and alternative care

Family reunification

610. The Committee is concerned at the length of family reunification procedures for recognized refugees, which may often take over a year.

611. The Committee recommends that the State party take all necessary measures to ensure family reunification procedures are dealt with in a positive, humane and expeditious manner.

Adoption

612. The Committee notes that the majority of intercountry adoptions are made with countries of origin that have not ratified the Hague Convention of 1993 and is concerned at the high percentage of intercountry adoptions which are not made through the accredited bodies but through individual channels.

613. The Committee is concerned that legislation and practice regarding domestic adoption in French Polynesia may not be in full conformity with the provisions of the Convention.

614 In the light of article 21 and other related provisions of the Convention, the Committee encourages the State party:

(a) To ensure that practice is in conformity with the new legislation in the area of adoption;

(b) To ensure that a State programme and subsidiary regulatory instruments necessary for the implementation of the legislation are elaborated;

(c) To ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;

(d) To ensure that the cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993 ratified by France;

(e) To adopt legislation and practice on domestic adoption in French Polynesia to avoid practices which may give rise to abuse and ensure that the rights of children are upheld.

Abuse and neglect

615. The Committee welcomes the information provided in the State party's report on the Plan of Action to combat child abuse announced in September 2000. It is also encouraged by Law No. 2004 on child protection of 2 January 2004 allowing medical personnel to report cases of abuse and ill-treatment without being subject to disciplinary sanctions. However, information on the number of children under the age of 15 who die each week under troubling circumstances

is a cause of great concern to the Committee. The Committee is also particularly concerned at the lack of implementation of Law No. 98-468 of 17 June 1998 which allows, inter alia, for a video or audio recording of a victim's testimony to be made.

616. The Committee recommends that the State party pursue its efforts to prevent and combat child abuse and neglect, to sensitize the population, including professionals working with and for children, on the magnitude of the problem with a view to preventing further occurrences and providing adequate treatment programmes for victims of abuse and neglect. Furthermore, it urges the State party to fully implement the law of 17 June 1998 and to ensure training in this respect.

Corporal punishment

617. The Committee welcomes the fact that the State party considers corporal punishment totally unacceptable and inadmissible. However, it remains concerned that corporal punishment is not explicitly prohibited in the family, in schools, in institutions and in other childcare settings.

618. The Committee recommends that the State party expressly prohibit corporal punishment by law in the family, in schools, in institutions and in other childcare settings. It further recommends awareness-raising and promotion of positive, non-violent forms of discipline, especially in families, schools and care institutions in the light of article 28, paragraph 2, of the Convention.

6. Basic health and welfare

Children with disabilities

619. The Committee welcomes the programmes for the integration of children with disabilities in mainstream schools, such as Plan Handiscol', and progress made in this respect. Nevertheless, the Committee is concerned that these remain insufficient and that too many children are not included in these efforts and remain without appropriate care with the main burden upon the families alone. Furthermore, the Committee is concerned that efforts aimed at detecting disabilities may not be adequate.

620. The Committee encourages the State party to actively pursue its current efforts and to continue:

(a) To review existing policies and practice in relation to children with disabilities, with due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on children with disabilities (see CRC/C/69);

(b) To make efforts, within the educational system, to detect disabilities in children and ensure better evaluation of the overall needs of students;

(c) **To pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate their integration in the mainstream education system;**

(d) **To undertake greater efforts to make available the necessary professional (disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

(e) **To strengthen public awareness campaigns to change negative public attitudes.**

Health and health services

621. The Committee welcomes the information contained in the State party's report related to the protection of mothers, infants and school-age children. However, the Committee notes that this aspect of health care and services is the responsibility of departments, and, in this respect, is concerned at possible inequalities among the various regions. The Committee is concerned, in particular, at the:

- (a) Lack of psychiatric services;
- (b) "Conditioned" access to health care by undocumented migrants;
- (c) Lack of a national body to promote and encourage exclusive breastfeeding.

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

(a) **Strengthen its efforts to ensure the provision of adequate and sustainable allocation of resources (human and financial), including for training of sufficient numbers of health-care professionals, provision of adequate salaries for health-care workers, and investments in health-care infrastructure, especially in the most disadvantaged areas;**

(b) **Establish a national mechanism for the promotion of breastfeeding, including evaluation and coordination.**

Adolescent health

623. The Committee welcomes the Conference on the family focusing on adolescents scheduled to take place in June 2004 and the legislative measures and other actions of the State party, such as that to reduce the use of tobacco, in particular among children under 16 years of age. It notes the concern of the State party with respect to the high rate of suicides, representing the second cause of death for this age group, the relatively high number of teenage pregnancies, insufficient mental health services and to the fact that health services provided may not be tailored to the need of adolescents, thus reducing their willingness to access primary health services.

624. **The Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It**

further recommends measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child. The Committee further recommends the development of a mental health programme and services for adolescents which include specialized psychiatric services.

Standard of living

625. The Committee, while noting that the primary responsibility of securing the necessary living conditions for the child lies with the parents, shares the concerns of the Committee on Economic, Social and Cultural Rights at the increasing levels of poverty (E/C.12/1/Add.72). The Committee is concerned that such a situation adversely affects the physical, mental, spiritual, moral and social development of children. The Committee is also concerned at the existence of restrictions in access to family allocations of certain groups of children.

626. The Committee encourages the State party to take measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Allocations to families should not be subject to the modalities of entry of the child onto the territory of France.

7. Education, leisure and cultural activities

627. The Committee welcomes the efforts of the State party to provide free compulsory schooling through the age of 16 years and at the fact that the school is considered a place of integration and equality. It is nevertheless concerned at the labelling of some schools as “sensitive” and at the lack of meaningful child participation in decision-making processes within schools. Furthermore, it is concerned that thousands of children with disabilities are deprived of their right to education.

628. The Committee urges the State party, taking into account its General Comment No. 1 on the aims of education, to pursue its efforts to ensure that all children enjoy the right to education consistent with articles 28 and 29 of the Convention, and that children with disabilities are integrated into mainstream education as far as possible, in keeping with article 3 of the Convention. It encourages the State party to increase the level of public expenditures for compulsory education. Furthermore, the State party is encouraged to contribute and support the participation of children in decision-making processes concerning school life.

8. Special protection measures

Unaccompanied minors

629. The Committee notes the efforts of the State party to address the situation of unaccompanied minors by providing them assistance during their time in the holding area by an “ad hoc administrator” who replaces a legal representative. However, the Committee also notes

that the number of minors in such situations has been steadily increasing, and that the implementation of the new legislation remains a challenge. Foreign unaccompanied minors continue to be deprived of their liberty and placed in detention with adults. The Committee is also concerned that unaccompanied children arriving at the airport may be returned to the country of origin without judicial intervention and without an evaluation of their family situation. It is further concerned at the absence of clear instructions to coordinate and facilitate access to basic services by these children for the protection of their rights. In addition to this, the age determination process allows for errors which may lead to minors not being accorded protection they are entitled to.

630. The Committee recommends that the State party pursue its efforts in this area, and, in particular:

(a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;

(b) To establish norms that orient and coordinate actions aimed at guaranteeing access to basic services, in particular education, health and legal assistance;

(c) To consider introducing recent methods of age determination which have proven more accurate than the method in use.

Economic exploitation

631. The Committee welcomes the legislative and other efforts aimed at providing protection of children from economic exploitation. However, the Committee is concerned that illegal networks of forced labour continue to operate and that foreign children fall victims of networks which are not countered vigorously enough.

632. The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions No. 138 on the minimum age for admission to employment and No. 182 on the worst forms of child labour, which the State party has ratified, vigorously pursue measures at the national and international level to dismantle trafficking and exploitation networks, in particular of foreign children, which continue to operate, as well as to strengthen its cooperation and support to non-governmental organizations working in this area.

Sexual exploitation, trafficking

633. The Committee notes that, following the World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, a National Plan of Action was adopted to protect children from abuse and ill-treatment. The following year, in 1997, protection of abused children was declared a national priority. However, the Committee is concerned at the occurrence of trafficking of children, prostitution and related issues, as noted in the Report of the Special Rapporteur on the sale of children, child prostitution and child pornography following his mission to France in November 2002.

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

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

(b) Undertake measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns, and establishing cooperation;

(c) Establish or strengthen existing cooperation with the authorities of countries from which children are trafficked;

(d) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner including by enhancing cooperation with non-governmental organizations, 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;

(e) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the age group 15-18;

(f) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner.

Substance abuse

635. The Committee is concerned by the increase in drug abuse in general and of drug abuse among young children in particular.

636. The Committee encourages the State party to continue and expand its activities in the area of prevention of substance abuse and to support rehabilitation programmes dealing with child victims of drug abuse.

Juvenile justice

637. The Committee reiterates its concern about legislation and practice in the field of juvenile justice, in particular with respect to Law No. 2002-1138 of 9 September 2002 on the orientation and programming of justice and Law No. 2004-204 of 9 March 2004 on the adaptation of justice to the evolution of criminality, which tends to favour repressive over educational measures. Provisions of the legislation include the extension of the detention of minor suspects in police custody for up to four days, and the detention by the police of children aged 10 to 13 years for up to 24 hours. It also notes concerns expressed by the Ombudsman with respect to the possible transfer of responsibility for the protection of children in danger to administrative authorities, leaving to the judicial authorities only the repressive functions. The Committee shares the

concerns expressed by the Ombudsman for children related to the increase in the prison population of minors and the resulting worsening of conditions. Furthermore, the impact of the introduction of closed educational facilities is not yet clear.

638. **The Committee reiterates its previous recommendation that the State party:**

(a) Ensure the full implementation of juvenile justice standards and, in particular, articles 37, 40 and 39 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), also in the light of the Committee's general discussion on the administration of juvenile justice;

(b) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and ensure that minors are separated from adults;

(c) Review national legislation to ensure that punitive measures are taken only by judicial authorities, with due process and legal assistance;

(d) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system, including adequate education and certification to facilitate that reintegration;

(e) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction.

Children belonging to minority groups

639. The Committee welcomes information provided in the State party's report that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the Roma, among others, who may face de facto discrimination. The Committee regrets that the State party has not considered reviewing its position and withdrawing its reservation to article 30 of the Convention.

640. **The Committee encourages the State party to continue measures to prevent and combat racism, xenophobia, discrimination and intolerance, by, inter alia, ensuring follow-up to the recommendations of the United Nations treaty bodies and the European Commission against Racism and Intolerance (ECRI), in particular as concerns children. The Committee urges the State party to review its position with respect to children belonging to minority groups and to consider withdrawing its reservation to article 30.**

9. Dissemination of the report, written answers, concluding observations

641. **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 thereon 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 non-governmental organizations. The National Day on the Rights of the Child (20 November) should be used to gain momentum in the implementation of the Convention, including in particular of these concluding observations, by encouraging participation of representatives of the State, including the departments, non-governmental organizations, the Ombudsman for children and others.

10. Next report

642. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined third and fourth periodic reports, which should not exceed 120 pages (see CRC/C/118), by 5 September 2007, and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention. The report should contain information on the implementation of the Convention in the French Overseas Departments and Territories.

III. COOPERATION WITH UNITED NATIONS AND OTHER COMPETENT BODIES

643. Before and during the meeting of the pre-sessional working group and the session itself, the Committee held various meetings with United Nations bodies and specialized agencies, as well as with other competent bodies, in the framework of its ongoing dialogue and interaction with those bodies in the light of article 45 of the Convention. The Committee met with:

- UNICEF's Regional Director for West and Central Africa (17 May);
- Representatives of the Inter-American Child Institute (IIN) and Save the Children Regional Office for Latin America (18 May);
- Members of the International Law Commission (19 May);
- The director of Child Helpline International (25 May).

IV. FUTURE DAY OF GENERAL DISCUSSION

644. At its 969th meeting, held on 3 June 2004, the Committee adopted the programme for its 2004 day of general discussion on "Implementing child rights in early childhood", to be held on 17 September 2004.

V. WORKING METHODS

645. At its 964th meeting, held on 28 May 2004, the Committee discussed its working methods, in particular in relation to possible follow-up activities to its recommendations to States parties.

VI. GENERAL COMMENTS

646. At its 947th meeting, held on 17 May 2004, the Committee started the discussion on four possible new general comments: unaccompanied and asylum-seeking children; fundamental principles in the juvenile justice system; the rights of indigenous children; and the rights of children with disabilities.

VII. PROVISIONAL AGENDA FOR THE THIRTY-SEVENTH SESSION

647. The following is the draft provisional agenda for the thirty-seventh 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. General day of discussion.
9. Future meetings.
10. Other matters.

VIII. ADOPTION OF THE REPORT

648. At its 971st meeting, held on 4 June 2004, the Committee considered the draft report on its thirty-sixth 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.
