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Thirty-ninth session
17 May-3 June 2005

REPORT ON THE THIRTY-NINTH SESSION

(Geneva, 17 May-3 June 2005)

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**I. DECISION ADOPTED BY THE COMMITTEE ON THE RIGHTS
OF THE CHILD AT ITS THIRTY-NINTH SESSION**

**Consideration of reports under the two Optional Protocols
of the Convention on the Rights of the Child**

The Committee on the Rights of the Child,

Welcoming the fact that over half of the Member States of the United Nations, including States parties to the Convention on the Rights of the Child, have ratified the Convention's Optional Protocols on the involvement of children in armed conflict and the one on the sale of children, child prostitution and child pornography,

Encouraging the remaining States parties to the Convention and other States to ratify the Optional Protocols as soon as possible in order to strengthen the rights of children covered in both the Protocols,

Noting the provision under the two Optional Protocols requiring States parties to submit separate initial reports on the implementation of the Protocols within two years after ratification, which implies the possibility of submission of a report shortly after ratification,

Welcoming the reports on the Optional Protocol received so far and urging States parties of which initial reports are overdue to submit them as a matter of priority and the other States parties to do it as soon as possible.

Decides to adopt the following rules for the examination of initial reports on Optional Protocols:

1. Reports received approximately at the same time as a regular periodic report on the implementation of the Convention on the Rights of the Child will be considered at the session at which this regular periodic report will be examined. Additional separate time will be scheduled for this examination if the State is a party to both Optional Protocols and has submitted approximately at the same time both initial reports;

2. States parties to both Optional Protocols are encouraged, whenever possible, to submit their initial reports at the same time and preferably not later than the ultimate date at which the initial report is due for the Optional Protocol ratified first. The examination of the two initial reports will be scheduled for a regular session of the Committee;

3. In case the rules mentioned before do not apply, the Committee will apply the following ones:

(a) If the State is only a party to the Optional Protocol on the involvement of children in armed conflicts, the initial report to this instrument will be considered at a regular session of the Committee if the State party concerned is facing or has recently faced serious difficulties in respecting and implementing the provisions enshrined in the Optional Protocol. For other

States parties, the Committee will offer them a choice of an examination in writing (technical review) or one at a regular session of the Committee which include a dialogue with representatives of the concerned State party;

(b) If the State is only a party to the Optional Protocol on the sale of children, child prostitution and child pornography, the initial report on this instrument will be examined by the Committee at one of its regular sessions.

4. Initial reports submitted under both Optional Protocols will also be included in the agenda of the Committee's Pre-sessional Working Group meetings.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 3 June 2005, the closing date of the thirty-ninth session of the Committee on the Rights of the Child, there were 192 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. An updated list of States that have signed, ratified or acceded to the Convention is available on: www.ohchr.org.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 117 States parties and signed by 98 States. The Optional Protocol entered into force on 12 February 2002. Also at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 95 States parties and signed by 111 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. An updated list of States that have signed, ratified or acceded to the Convention is available on: www.ohchr.org.

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

B. Opening and duration of the session

4. The Committee on the Rights of the Child held its thirty-ninth session at the United Nations Office at Geneva from 17 May to 3 June 2005. The Committee held 27 meetings (1026th to 1052nd). An account of the Committee's deliberations at its thirty-ninth session is contained in the relevant summary records (CRC/C/SR.1026-1037; 1040-1045; 1048-1049 and 1052).

C. Membership and attendance

5. All the members of the Committee attended the thirty-ninth session, except Ms. Ghaliya Al-Thani. A list of the members, together with an indication of the duration of their terms of office, is provided in annex I to the present report. Mr. Brent Parfitt (absent between 17 and 20 May 2005), Ms. Moushira Khattab (absent on 23, 24 and 26 May), Mr. Hatem Kotrane (absent on 26 and 27 May), Mr. Norberto Liwski (absent between 30 May to 1 June 2005), Ms. Awa N'Deye Ouedraogo (absent between 23 and 25 May), and Mr. Jean Zermatten (absent on 2 June 2005) were not able to attend the session in its entirety. During their absence, Ms. Ouedraogo and Mr. Liwski were representing the Committee at regional consultations organized in the framework of the United Nations Secretary-General Study on violence against children.

6. At its 1026th meeting, held on 17 May 2005, three new members of the Committee made their solemn declaration: Mr. Awich Pollar, Mr. Kamal Siddiqui and Mr. Jean Zermatten. Mr. Brent Parfitt made his solemn declaration on 23 May 2005 (1034th meeting).

7. During the opening meeting of the thirty-ninth session (1026th), the Committee adopted a new Bureau composed of the following members:

Chairperson: Mr. Doek (The Netherlands)

Vice-Chair: Ms. Lee (Republic of Korea)

Vice-Chair: Mr. Liwski (Argentina)

Vice-Chair: Ms. Khattab (Egypt)

Vice-Chair: Ms. Aluoch (Kenya)

Rapporteur: Ms. Vuckovic-Sahovic (Serbia and Montenegro)

8. 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).

9. 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).

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

General consultative status

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

Special consultative status

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

Others

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

D. Agenda

11. Also at the 1026th meeting, the Committee adopted the following agenda on the basis of the provisional agenda (CRC/C/147):

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

E. Pre-sessional working group

12. In accordance with a decision of the Committee at its first session, a pre-sessional working group met in Geneva from 31 January to 4 February 2005. All the members except Ms. Joyce Aluoch and Ms. Marilia Sardenberg 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.

13. 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.

14. Mr. Doek chaired the pre-sessional working group. The group held eight meetings, at which it examined lists of issues put before it by members of the Committee relating to the initial reports of one country (Bosnia and Herzegovina), the second periodic reports of four countries (the Philippines, Nepal, Mongolia and Nicaragua) and three third periodic reports (Norway, Costa Rica and Yemen). 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 6 April 2005.

F. Organization of work

15. The Committee considered the organization of its work at its 1026th meeting, held on 17 May 2005. The Committee had before it the draft programme of work for the thirty-ninth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its thirty-eighth session (CRC/C/146).

G. Future regular meetings

16. The Committee noted that its fortieth session would take place from 12 to 30 September 2005 and that the pre-sessional working group for the forty-first session would meet in two parallel chambers from 3 to 7 October 2005.

III. REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION AND UNDER ARTICLE 12 OF THE CONVENTION'S OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Submission of reports

17. The Committee had before it the following documents:

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

(b) Note by the Secretary-General on the States parties to the Convention and the status of submission of reports (CRC/C/148);

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

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

(e) Methods of work of the Committee: compilation of the conclusions and recommendations adopted by the Committee on the Rights of the Child (CRC/C/19/Rev.10).

18. The Committee was informed that, in addition to the 10 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-ninth session (see CRC/C/146, para. 16), the Secretary-General had received the initial report of Turkmenistan (CRC/C/28/Add.24), the second periodic reports of Benin (CRC/C/65/Add.36), Oman (CRC/C/149/Add.1) and Senegal (CRC/C/65/Add.37), and the third periodic report of Ethiopia (CRC/C/129/Add.8).

19. As at 3 June 2005, the Committee had received 183 initial, 94 second periodic and 15 third periodic reports. A total of 253 reports (181 initial, 66 second periodic and 6 third periodic) have been considered by the Committee.
20. The Committee was informed that the following initial reports had been received under the Optional Protocol on the involvement of children in armed conflict since the end of its thirty-eighth session: El Salvador (CRC/C/OPAC/SLV/1) and Belgium (CRC/C/OPAC/BEL/1).
21. It was also informed that the following initial reports had been received under the Optional Protocol on the sale of children, child prostitution and child pornography: Qatar (CRC/C/OPSA/QAT/1) and China (CRC/C/OPSA/CHI/1).
22. At its thirty-ninth session, the Committee examined initial and second periodic reports submitted by 10 States parties under article 44 of the Convention. It devoted 20 of its 28 meetings to the consideration of reports (see CRC/C/SR.1026-1037; 1040-1045; 1048-1049 and 1052). The following 10 reports, listed in the order in which they were received by the Secretary-General, were scheduled to be examined by the Committee at its thirty-ninth session: Ecuador (CRC/C/65/Add.28); Bosnia and Herzegovina (CRC/C/11/Add.28); Nepal (CRC/C/65/Add.30); Philippines (CRC/C/65/Add.31); Norway (CRC/C/129/Add.1 and CRC/C/OPSA/NOR/1); Nicaragua (CRC/C/125/Add.3); Mongolia (CRC/C/65/Add.32); Yemen (CRC/C/129/Add.2); Saint Lucia (CRC/C/28/Add.23); and Costa Rica (CRC/C/125/Add.4).
23. In accordance with rule 68 of the provisional rules of procedure of the Committee, representatives of all the reporting States were invited to attend the meetings of the Committee at which their reports were examined.
24. By notes verbales dated 18 February and 8 March 2005, the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva submitted comments to the concluding observations the Committee adopted for this State party at its thirty-eighth session (CRC/C/15/Add.254).
25. The following sections, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain concluding observations reflecting the main points of discussion and indicating, where necessary, issues that require specific follow-up. More detailed information is contained in the report submitted by the States parties and in the summary records of the relevant meetings of the Committee.

B. Consideration of reports under the Convention

Concluding observations: Saint Lucia

26. The Committee considered the initial report of Saint Lucia (CRC/C/28/Add.23) at its 1026th and 1027th meetings (see CRC/C/SR.1026 and CRC/C/SR.1027), held on 17 May 2005 and adopted at the 1052nd meeting, held on 3 June 2005, the following concluding observations.

A. Introduction

27. The Committee welcomes the submission of the initial report of the State party, which was prepared in conformity with the Committee's guidelines, and the written replies to its list of issues (CRC/C/Q/LCA/1). However, the Committee regrets that the report was submitted almost 10 years after the date it should have been submitted.

28. The Committee acknowledges that the presence of a high-level delegation directly involved in the implementation of the Convention in the State party allowed for a better understanding of the rights of the child in the State party. It also welcomes the frank and constructive dialogue with the delegation of the State party.

B. Positive aspects

29. The Committee welcomes the establishment of the Legislative and Monitoring Committee mandated to examine and monitor the extent to which existing laws, policies and services are matching the needs of children, particularly within the context of child protection.

30. The Committee notes the adoption, in 1999, of Education Act No. 41, which makes provision for the promotion of universal access to primary and secondary education services to children between 5 and 15 years of age.

31. The Committee notes the adoption of the Prevention of Misuse Drug Act in 1988 and its amendment of 1993 which promotes "drug-free zone" in schools.

32. The Committee notes with appreciation the ratification, in 2000, of the Worst Forms of Child Labour Convention, 1999 (No. 182).

C. Factors and difficulties impeding the implementation of the Convention

33. The Committee acknowledges the challenges faced by the State party, namely the country's vulnerability to natural disasters such as hurricanes which regularly pose serious difficulties for the full realization of children's rights enshrined in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

34. While the Committee appreciates that the State party has made various amendments to existing legislation as well as adopted the Family Court Act in 1994 and the Domestic Violence Act in 1995, it is nevertheless concerned that existing legislation does not fully reflect the principles and provisions of the Convention, for example regarding non-discrimination, corporal punishment and juvenile justice.

35. **The Committee recommends that the State party take all necessary measures to ensure that its legislation conforms fully to the provisions and principles of the Convention.**

Coordination

36. The Committee takes note of the several ministries and organizations that deal with matters pertaining to children, but remains concerned that there is no established body fulfilling an official coordinating and reporting role on the Convention.

37. The Committee recommends that the State party establish a body, for example a national inter-ministerial committee on the rights of the child, which has a clearly outlined political mandate and implementation process in order to coordinate the activities of the various ministries dealing with matters pertaining to children. In this regard, the Committee recommends that the State party seek technical assistance, from, inter alia, the United Nations Children's Fund (UNICEF).

National Plan of Action

38. While noting the establishment of a committee in 1991 to develop a National Plan of Action for the Survival, Protection and Development of Children, the Committee remains concerned that there has been no finalization of the National Plan of Action.

39. The Committee urges the State party to strengthen its efforts to develop and implement a comprehensive national plan of action for the full implementation of the Convention, covering all areas of the Convention and incorporating the objectives and goals of the outcome documents entitled: "A World Fit for Children" of the General Assembly Special Session for Children. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and involve civil society in the preparation and implementation of such a national plan of action.

Independent monitoring

40. The Committee notes with appreciation the existence of a Parliamentary Commissioner or Ombudsman. However, this Commissioner does not have a specific mandate for the independent monitoring and promotion of children's rights nor is there a child-specific and child-sensitive procedure for filing individual complaints.

41. The Committee recommends that the State party establish an independent body for monitoring the implementation of the Convention on the Rights of the Child in the light of the Committee's general comment No. 2 (2002) on national human rights institutions and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134). Such body should be provided with adequate human and financial resources, easily accessible to children; deal with complaints from children in a child-friendly and child-sensitive manner. In this regard, the Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF and the Office of the United Nations High Commissioner for Human Rights.

Resources for children

42. The Committee welcomes the increase in budget allocation for social services over the past 10 years but remains concerned that in many instances, as acknowledged in the State party report there is a lack of sufficient financial resources for the implementation of the Convention on the Rights of the Child.

43. **The Committee recommends that the State party make a systematic increase of budgetary allocations to “the maximum extent of the State party’s available resources and where needed, within the framework of international cooperation” as provided in article 4 of the Convention and using the rights-based approach. In relation to this, the Committee recommends that the State party establish firm priorities for addressing the rights of the child in its national strategic plan for poverty reduction.**

Data collection

44. While the Committee is encouraged by the provision of data pertaining to the health-care sector and the development of a Central Database Registry, it is concerned at the general lack of pertinent data in the State party report and the non-disaggregated and poorly analysed data in the responses to the list of issues. It is further concerned about the lack of data for the age group 15 to 18. The Committee notes that such data are crucial for the formulation, monitoring and evaluation of progress made and impact assessment of policies with respect to children.

45. **The Committee recommends that the State party give further attention to developing the Central Database Registry in such that it covers all areas of the Convention for children up to 18 years and it can be used in the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Training/dissemination of the Convention

46. The Committee welcomes the initial efforts undertaken by the Saint Lucia Advocacy Committee to promote the rights of the child and to make the mandates of the Convention widely known and regrets that those efforts were not continued. The Committee remains concerned that training and dissemination of the Convention is not carried out systematically.

47. **The Committee recommends that the State party strengthen its efforts to raise awareness by undertaking systematic education and training on the provisions of the Convention for all groups working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. The Committee also recommends that the State party ensure the implementation of envisaged projects for engaging with the public on the rights of the child. It further recommends that human rights education be included in the official curriculum, at all levels of education.**

Cooperation with civil society

48. While appreciating the fact that some non-governmental organizations (NGOs) have been involved in the preparation of the State party's report, the Committee notes with concern the limited role that civil society and in particular NGOs play in the promotion of the Convention on the Rights of the Child.

49. **The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs in the promotion of children's rights, including, inter alia, their participation in the follow-up to the concluding observations of the Committee.**

2. Definition of the child

50. The Committee welcomes the State party's definition of a child as any person under 18 years. However, it remains concerned at the definition of juveniles as persons under 16 years of age which in practice means that children of 16 and 17 years old do not receive the protection provided for persons under the age of 16.

51. **The Committee recommends that the State party change its laws to ensure that all persons under 18 are provided with the same protection and guarantees, inter alia, in the area of child protection, child maintenance and juvenile justice.**

3. General principles

Non-discrimination

52. The Committee remains concerned that the right to non-discrimination as defined in article 2 of the Convention on the Rights of the Child has not been fully incorporated into the State party's legislation and practice.

53. **The Committee urges the State party to raise its efforts to ensure that existing laws fully comply with article 2 of the Convention and to abolish as a matter of priority all discriminatory provisions regarding children born out of wedlock.**

54. **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 on Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (2001) on the aims of education.**

Best interests of the child

55. While the Committee is encouraged by existing legislation which takes into account the best interests of the child, the Committee is concerned that the best interest of the child is not reflected as a general principle in all legislation regarding children.

56. **The Committee recommends that the State party provide information on its progress in reviewing current legislation and incorporating the principle of the best interest of the child into the legislation where appropriate.**

Respect for the views of the child

57. The Committee is encouraged by parenting programmes which reflect respect for the views of the child, but remains concerned that these practices are not fully incorporated into societal practices.

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

(a) Promote and facilitate respect for children's views and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, schools and judicial system, in accordance with article 12 of the Convention;

(b) Continue to strengthen its advocacy and its educational efforts to make the public aware of the importance of the consideration of the views of the child, in particular parents, teachers and government and administrative officials.

4. Civil rights and freedoms

Corporal punishment

59. The Committee is concerned at the fact that corporal punishment is a lawful way of disciplining children, both under the Children and Young Persons Act and the Education Act. The Committee is further concerned that corporal punishment is widely practised as a highly-favoured method of punishment.

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

(a) Amend its legislation to explicitly prohibit corporal punishment in the family, schools and institutions;

(b) Conduct awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process;

(c) Ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the Convention, in particular article 28 (2) as an alternative to corporal punishment at all levels of society.

5. Family environment and alternative care

Parental guidance and responsibilities

61. While the Committee is encouraged that the State party recognizes the principles that both parents have common responsibilities for the upbringing and development of the child, it remains concerned at the lack of information regarding family counselling services, parental education programmes, or other measures which ensure the respect of articles 5 and 18 of the Convention.

62. **The Committee recommends that the State party review its established social services providing family counselling and parenting education, as well as provide relevant information on awareness-raising campaigns on the rights of the child within family life and discuss its measures implemented to ensure full compliance with the provisions of the Convention.**

63. The Committee is concerned about the lack of disaggregated information regarding children's benefit, progress achieved or difficulties encountered with the measures in place recognizing parents' rights in raising children and the State party's responsibility in providing facilities and services to assist those bearing child-rearing responsibilities.

64. **The Committee recommends that the State party amend its legislation to include the concrete recognition of both parents in the upbringing and development of the child, as well as investigate and submit to the Committee disaggregated information relating to the benefits, progress, and difficulties encountered in the measures relating to child development and upbringing.**

Separation from parents

65. **While the Committee notes that the State party recognizes the partiality of the Civil Code of Saint Lucia of 1957, it remains concerned by the father's sole right to custody of the child in cases of separation without providing for or reflecting child's rights perspectives and views in final decisions.**

66. **The Committee strongly recommends that the State party review the Civil Code of Saint Lucia of 1957 and ensure adequate protection of the rights of a separated parent and/or child. The Committee recommends that the child's views as well as best interests are taken into account in the final decisions of custody in cases of parental separation.**

Recovery of maintenance for the child

67. The Committee is concerned that the State party does not uphold the principle of non-discrimination in the recovery of maintenance for the child.

68. **The Committee recommends that the State party: review its legislation on the recovery of maintenance for the child in order to comply with the principles of the Convention and undertake measures in order to secure the recovery of maintenance from abroad.**

Children deprived of a family environment

69. While noting the existence of alternative care arrangements for those children deprived of a family environment, the Committee expresses its concern that the State party lacks legislation ensuring contact or visitation between children and their parents. The Committee regrets the lack of a body that monitors the situation of children in alternative care.

70. **The Committee recommends that the State party introduce legislation ensuring the child's right to contact or visit the parent when the child is deprived of a family environment, as well as establish a system to monitor the conditions of alternative care designated for children deprived of a family environment. Furthermore, the Committee recommends that the State party enhance family-based alternate care.**

Adoption

71. The Committee is encouraged that legislation by the State party regarding the regulation of the adoption of a child exists, but is concerned that unofficial arrangements recognized by the Adoption Ordinance has been known to incur problems for the "adopting family" and consequently, the child.

72. The Committee is concerned that although the assessment of the needs of the child in the placement of an adoptive home has been established, the views of the child are not included in the selection process.

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

(a) Ensure that the practice of unofficial arrangements of alternative care fully respect the principles and provisions of the Convention;

(b) Take into consideration the views of the child within the processes and procedures of institutions that administer the adoption processes;

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

Abuse and neglect, including physical and psychological recovery and social reintegration

74. The Committee is encouraged that a draft protocol for the management of child abuse and neglect in Saint Lucia has been drawn up to deal with the identification, reporting, treatment and management of abuse and neglect cases; however, it remains concerned that this protocol has not yet been enacted and subsequent safeguards and complaint procedures have not been structured and fully implemented. The Committee is also concerned about the lack of training programmes for professionals who work with children on situations of abuse, neglect and inadequate personnel.

75. **The Committee recommends that the State party adopt and implement as a matter of priority the draft protocol mentioned in order to ensure:**

(a) The establishment of an effective reporting and referral system for cases of child abuse and neglect with the necessary provisions for a child-sensitive investigations of such cases;

(b) The establishment of programmes for psychological and physical recovery and social reintegration for victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation;

(c) That recruitment and training programmes are ongoing for all professionals who may have to deal with the investigation and treatments of cases of child abuse and neglect; and

(d) Consider seeking technical assistance from, inter alia, UNICEF.

76. The Committee welcomes the existence of a child helpline (Child Link) and the efforts to develop it into a 24-hour service for children to express their views and concerns and for those who are in need of care or protection.

77. The Committee further recommends that the State party provide the child helpline “Child Link” with sufficient human and financial resources to allow it to be operational 24 hours per day, including the adequate follow-up to calls of children in need of care or protection.

6. Basic health and welfare

Disabled children

78. The Committee is concerned about the lack of a national policy or legislation ensuring the right of children with all types of disabilities to the enjoyment of a full and decent life with the assurance of self-dignity and self-reliance.

79. The Committee recommends that the State party:

(a) Adopt a comprehensive policy for children with disabilities;

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

(c) Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

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

Health and health services

80. While the Committee appreciates the information provided in the State report concerning health and health services in the State party, it remains concerned at:

(a) The increase in the number of children born with low birthweight;

(b) The state of prenatal and post-natal health care;

(c) The increasing levels of obesity in young children and the associated short and long-term diseases;

(d) The lack of educational programmes for basic child health.

81. The Committee recommends that the State party undertake health-care reform with a view to guaranteeing universal access and integrated health-care services according to article 24 of the Convention. It further recommends that the State party implement adolescent-friendly, adolescent-sensitive health clinics providing both information and services to young people.

Adolescent health

82. The Committee expresses its concern at the increasing rate of HIV/AIDS and other sexually transmitted diseases among adolescents. It further notes with concern the high rate of teenage pregnancies and the fact that the State party does not pay sufficient attention to adolescent health issues, including developmental, mental and reproductive health concerns.

83. The Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the nature and the 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 particular focus on the prevention of HIV/AIDS and other sexually transmitted diseases, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development;

(b) Strengthen developmental and mental health counselling services as well as reproductive counselling and make them known and accessible to adolescents;

(c) Ensure the inclusion of reproductive health education in the school curriculum and fully inform adolescents of reproductive health rights, including the prevention of teenage pregnancies and sexually transmitted diseases, including HIV/AIDS;

(d) Continue to provide support to pregnant teenagers, including through community structures and ensure the continuation of their education.

Social security and childcare services and facilities

84. The Committee is concerned that legal provisions ensuring the right of the child to benefit from childcare services and seek social security, as well as the criteria with which benefits are granted, has not been developed in Saint Lucia.

85. The Committee recommends that the State party review its legislation pertaining to the child's right to social security, paying specific attention to the child's right to request social security grants and benefits, as well as include measures in place to ensure that all children benefit from childcare services.

7. Education, leisure and cultural activities

Education, including vocational training and guidance

86. While the Committee is encouraged that the State party has developed “Education Sector Development Plan 2000 to 2005 and Beyond” and that there has been an increase in secondary school enrolment, it remains concerned that the State party does not provide universal access for children in particular to secondary school. It is further concerned at the lack of continued education of school-aged teen mothers, and the growing number of children who drop out of school, particularly among boys.

87. The Committee expresses its concern at the fact that less than 20 per cent of the eligible age cohort has access to day-care services and that State provision for preschool is limited.

88. In the light of articles 28 and 29 of the Convention and its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party allocate adequate human and financial resources in order to:

(a) Adopt effective measures to include all children in primary education and urgently decrease the dropout rates for children, particularly boys;

(b) Continue its efforts to increase the number of children entering secondary schools through provisions of more classrooms;

(c) Offer more facilities for vocational training, including for children who do not complete secondary education;

(d) Ensure that teenage mothers continue their education.

Leisure, recreation and cultural activities

89. The Committee is concerned that while the child’s right to leisure, recreation, and cultural activities is recognized within the principles of legislation guiding service development, this right is not ensured explicitly within such legislation. The Committee further notes that existing recreational facilities are not always accessible to all children.

90. The Committee recommends that the State party provide access for all children to enjoy leisure, recreation, and cultural activities in all spheres of the child’s life.

8. Special protection measures

Economic exploitation of children, including child labour

91. The Committee is concerned that the State party has no provisions for the classification of hazardous and non-hazardous work, as well as regulations guiding the conditions of employment. The Committee is also concerned about child labour in the informal economy in urban areas.

92. **The Committee recommends that the State party adopt a comprehensive legal framework for children engaged in the workforce which is in compliance with article 32 of the Convention on the Rights of the Child as well as the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee further recommends that the State party ratify the Minimum Age Convention, 1973 (No. 138).**

Drug abuse

93. While the Committee is encouraged that the State party has taken measures to ensure the school environment remains drug-free for children, it remains concerned that measures for monitoring drug abuse among children as well as their involvement in drug trafficking outside of schools have not been fully developed in the report.

94. **The Committee recommends that the State party strengthen its measures to combat drug abuse by children, including through public education awareness-raising campaigns and ensure that children who abuse drugs have proper access to effective structures and procedures for treatment, counselling, recovery and social reintegration.**

Sexual exploitation and sexual abuse

95. The Committee notes with appreciation that the problem of sexual abuse has been recognized by the State party, however it remains concerned that the scope of the issue has not been fully and systematically uncovered and that existing legislation protecting children from sexual abuse and exploitation does not explicitly refer to the male child.

96. **The Committee recommends to the State party that it:**

(a) **Undertake a comprehensive study on the sexual exploitation and abuse of children and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children;**

(b) **Adopt legislative measures and ensure protection from sexual abuse and exploitation for both boys and girls;**

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

Juvenile justice

97. The Committee is concerned that the legal provisions and the practice of the administration of juvenile justice do not fully comply with the provisions of articles 40, 39 and 37 of the Convention and other relevant international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice

(the Beijing Rules) (General Assembly resolution 40/33) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (General Assembly resolution 45/112). The Committee is further concerned:

- (a) At the lack of State provisioning for females below 18 years in conflict with the law;
- (b) That the sentence of life imprisonment is not excluded for persons below the age of 18 years as stated in the State party report (para. 285);
- (c) That rehabilitation and social reintegration for those persons below the age of 18 years who have been in conflict with the law is not emphasized within services meant to provide these benefits and that facilities and programmes for the rehabilitation and social reintegration of female juveniles who have been involved in the administration of the juvenile justice system do not exist.

98. **The Committee recommends that the State party continue to strengthen its efforts to improve the juvenile justice system in order to ensure the full implementation of juvenile justice standards, in particular article 37 (b), articles 40 and 39 of the Convention as well as the above-mentioned international standards and in the light of the Committee's day of general discussion on the administration of juvenile justice. In this regard, the Committee particularly recommends that the State party:**

- (a) Abolish the provisions which allow the imposition of a life sentence on children aged 16 or 17 at the time of the commitment of the crime and ensure that children aged 16 and 17 are not considered as adults and are afforded the same protection as younger children under the justice system;**
- (b) Abolish the criminalization of behavioural problems such as truancy and vagrancy (State offence);**
- (c) Develop and implement alternative sanctions such as community service or restorative justice, in order to make deprivation of liberty a measure of last resort;**
- (d) Establish a separate facility for custodial care of female juvenile offenders;**
- (e) Improve the quality of the Boy's Training Centre in terms of its housing conditions and the quality of the care as well as education provided to juveniles in that Centre;**
- (f) Establish a system of well-trained advocates, legal administrators for juveniles in conflict with the law and train professionals such as police officers, prosecutors and judges dealing with persons below the age of 18 in conflict with law;**
- (g) Seek technical assistance from, inter alia, UNICEF and the Office of the United Nations High Commissioner for Human Rights.**

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

99. 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 the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

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

10. Follow-up and dissemination

Follow-up

101. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State governments and Parliament, when applicable, for appropriate consideration and further action.**

Dissemination

102. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

11. Next report

103. **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 in article 44 of the Convention. Children have the right that the United Nations 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. 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 second, third and fourth report by 15 July 2010, the due date for the submission of the fourth report which should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

Concluding observations: the Philippines

104. The Committee considered the second periodic report of Philippines (CRC/C/65/Add.31) at its 1028th and 1029th meetings (see CRC/C/SR.1028 and 1029) held on 18 May 2005, and adopted at the 1052nd meeting, held on 3 June 2005, the following concluding observations.

A. Introduction

105. The Committee welcomes the second periodic report, which followed the established reporting guidelines, submitted by the State party, as well as the written replies to its list of issues. The Committee is encouraged by the constructive dialogue it had with the State party and acknowledges that the presence of an inter-ministerial delegation involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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

106. The Committee takes note of the adoption during recent years of several laws aimed at protecting and promoting the rights of children, inter alia:

(a) The adoption, in 2003, of the Anti-Trafficking in Persons Act (Republic Act 9208), which institutes policies to eliminate trafficking in persons, in particular women and children, establishes institutional mechanisms for the protection and support of trafficked persons, provides penalties for traffickers and also prohibits the recruitment, transport or adoption of children for engagement in armed activities in the Philippines or abroad;

(b) The adoption, in 2003, of the Republic Act No. 9231, which amends the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610) providing for the elimination of the worst forms of child labour and affording stronger protection for the working child;

(c) The adoption, in 2004, of the Republic Act No. 9255, which allows illegitimate children to use the surname of their father, amending the Family Code of the Philippines (article 176 of Executive Order No. 209);

(d) The adoption, in 2004, of the Anti-Violence against Women and Their Children Act (Republic Act No. 9262) which defines violence against women and their children, providing for protective measures for victims and penalties for the perpetrators of this violence;

(e) The adoption of other legal or administrative measures to promote the implementation of the Convention, such as the ratification of international conventions and protocols referred to throughout these concluding observations.

C. Factors and difficulties impeding the implementation of the Convention

107. The Committee acknowledges the particular nature of the geographical configuration of the State party, which is comprised of over 7,100 islands, and the challenges faced by the State party in implementing adequate programmes and services for children living in rural and remote areas of the country which are in many instances isolated and very difficult to reach.

108. The Committee also acknowledges that the natural disasters caused by tropical storms and several destructive typhoons at the end of 2004 have devastated the infrastructure of several provinces of the country giving rise to a growing number of economic and social difficulties. Domestic instability caused by, inter alia, political uncertainties and rebel movements, has adversely impacted overall human rights development in the State party.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Committee's previous recommendations

109. The Committee notes with satisfaction that various concerns and recommendations included in the concluding observations (CRC/C/15/Add.29) made upon the consideration of the State party's initial report (CRC/C/3/Add.23) have been addressed through legislative measures and policies. However, some of the concerns expressed and recommendations made by the Committee regarding, inter alia, the minimum age of criminal responsibility and sexual consent, discrimination against children born out of wedlock, the lack of a comprehensive juvenile justice system, the lack of a monitoring system for the Convention and the prohibition of torture, etc., have not been sufficiently addressed.

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

Legislation

111. The Committee takes note of the relatively advanced legal framework and it is encouraged by many legislative initiatives, new laws enacted and legislative amendments adopted which aim to better protect and promote the rights of the child. The Committee is deeply concerned, however, about the insufficient implementation of laws, particularly at the local level. The Committee also notes that domestic legislation does not fully conform to all provisions and principles of the Convention.

112. The Committee recommends that the State party take all necessary measures to ensure the full and effective implementation of its domestic laws in order to better protect the rights of the child and harmonize its legislation fully with the provisions and principles of the Convention, for example with regard to the existing minimum age of criminal responsibility and children in conflict with the law.

National Plan of Action

113. The Committee welcomes the launching of a National Strategic Framework Plan for the Development of Children 2001-2025, known as Child 21, and the holistic approach adopted to address child rights issues and related progress and shortcomings. The Committee is concerned that the existing monitoring mechanisms are insufficient to monitor and evaluate the implementation of the Plan in a coherent way. Furthermore, the Committee is concerned about the limited awareness of the Plan and its objectives at the local level.

114. **The Committee recommends that the State party take all necessary measures, inter alia, by providing adequate human, financial and technical resources, for the full implementation of the National Strategic Framework Plan for the Development of Children 2001-2025 and ensure a rights-based, open, consultative and participatory process for the implementation of the Plan, paying particular attention to the implementation of the Plan at the local level. In this regard the Committee recommends that the State party fully support the National Council for the Welfare of Children by providing it with the necessary resources to enable it to effectively coordinate the activities related to the implementation of the Plan and monitor and evaluate this implementation process. In addition, the State party is urged to promote as much as possible the establishment of local councils for the protection of children, particularly in the cities, municipalities and *barangays* (smallest unit of local government), provided with adequate resources to be important instruments in the implementation of the Plan, in particular, and the Convention on the Rights of the Child, in general. The Committee also recommends that the State party seek technical assistance from, among others, the United Nations Children's Fund (UNICEF), in the course of the implementation process.**

Independent monitoring

115. The Committee welcomes the establishment of the Philippines Commission on Human Rights (PCHR) in 1997, with the mandate to independently promote and monitor the implementation of human rights and notes that some other bodies are also given a monitoring role regarding the implementation of children's rights. The Committee acknowledges PCHR's activities regarding children's rights, however is concerned at its limited mandate and resources.

116. **The Committee recommends to the State party, with reference to the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, that it consider broadening the mandate of PCHR regarding the monitoring of children's rights and providing PCHR with adequate resources in order to strengthen the investigation of individual complaints filed by children in a child-sensitive manner.**

Allocation of resources

117. The Committee notes the slight increase in budgetary allocations for children's social services, the State party's efforts to implement the 20/20 initiative for budgeting and the priority given to low-income families and combating poverty, for example through the creation of a Poverty Alleviation Fund. The Committee also notes with deep concern that the State party's debt servicing takes up more than 30 per cent of its national budget and that insufficient attention has been paid to sufficient budgetary allocations for children and to article 4 of the Convention regarding budgetary allocations to the implementation of the economic, social and cultural rights of children to the maximum extent of available resources.

118. **The Committee recommends that the State party strengthen its efforts to reduce its level of debt servicing in order to, inter alia, allow an increase of budgetary allocations to the realization of children's rights and, in particular, the implementation of the economic, social and cultural rights of children. In order to be able to evaluate the impact of**

expenditures on children, the Committee recommends that the State party establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights and identify the yearly budgetary amount and proportion spent on persons under 18 years of age.

Data collection

119. The Committee welcomes the various efforts to improve data collection but it remains concerned that in some areas covered by the Convention, including children with disabilities, migrant children, children living in extreme poverty, abused and neglected children, children within the justice system and children belonging to minorities and indigenous children, data are lacking or insufficient.

120. The Committee recommends that the State party strengthen its existing mechanisms for data collection and develop indicators consistent with the Convention and, where necessary, establish additional mechanisms for data collection, in order to ensure that data are collected on all areas of the Convention and that these are disaggregated, inter alia, by age for all persons under 18 years, gender, urban and rural areas and by those groups of children who are in need of special protection. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.

Dissemination of the Convention

121. The Committee notes with appreciation the establishment of a Task Force for Popularizing the Convention and it is encouraged by the efforts of the State party, in collaboration with UNICEF, other international agencies and national and international non-governmental organizations, in disseminating information about the principles and provisions of the Convention, for example through publications, broadcast media and the training of professionals. Nevertheless, the Committee is concerned that the Convention is not disseminated at all levels of society. In addition, the Committee notes that the training and retraining of professionals working with, and for, children is not systematic but more on an ad hoc basis.

122. The Committee recommends that the State party continue to develop creative and child-friendly methods of promoting the Convention. It further encourages the State party to raise awareness of the Convention among children and adults in remote areas and to make the Convention available in at least the major languages and as much as possible in other indigenous and minority languages. The Committee further recommends systematic training of professional groups working with, and for, children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. With regard to the dissemination of the Convention, the Committee also recommends that the State party seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.

2. General principles

Non-discrimination

123. Notwithstanding the measures taken by the State party to eliminate discrimination against children, inter alia, through the implementation of the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603), the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act and several programmes, such as the Third Elementary Education Programme, the Committee is concerned about discrimination faced by many children, in particular children living in poverty, children with disabilities, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in areas of conflict, as regards their access, inter alia, to social and health services and education. The Committee is particularly concerned about the de facto discrimination faced by girls in everyday life, which is often multiple discrimination based on their gender. The Committee finally reiterates its concern about the unequal status of children born out of wedlock, particularly with regard to their right to inherit and their discriminatory classification as “illegitimate”.

124. **In the light of article 2 of the Convention, the Committee recommends that the State party increase its efforts to ensure effective implementation of existing laws guaranteeing the principle of non-discrimination and adopt a proactive and comprehensive strategy to eliminate all forms of discrimination, including forms of multiple discrimination, against all vulnerable groups of children. The Committee recommends that the State party pay particular attention to the equal status and full enjoyment of all human rights and fundamental freedoms by girls. As regards children born out of wedlock, the Committee requests the State party to review its domestic legislation in order to secure their right to equal treatment, including their right to equal inheritance and abolish the discriminatory classification of those children as “illegitimate”.**

125. **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 the Committee’s general comment No. 1 (2001) on the aims of education.**

Right to life

126. The Committee expresses its serious concern about violations of the right to life of children, inter alia, due to the internal armed conflict. The alleged cases of extrajudicial killings of children by military soldiers in Bulan, Sorsogon, in 2004 and by so-called death squads in Davao and Digos cities during recent years give cause for very serious concern.

127. While noting that the provisions of the Revised Penal Code (Republic Act No. 3815) and the Act to Impose the Death Penalty on Certain Heinous Crimes, which amended the Revised Penal Code (Republic Act No. 7659), explicitly prohibit the imposition of the death penalty on

persons below the age of 18 years at the time the crime was committed, the Committee expresses its deep concern at the cases where children, that is persons below the age of 18, have been placed on death row without definite proof of their age.

128. The Committee also notes with concern the deficiencies in the reporting system of newborn deaths and stillbirths due to limited access to civil registrars.

129. Referring to article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children, inter alia, by taking effective measures to prevent extrajudicial killings of children and to investigate thoroughly all alleged cases of killing and bring perpetrators to justice.

130. The Committee also urges the State party to take all necessary steps to prevent the execution of children sentenced to death and replace their death sentences with sanctions which are in compliance with the Convention and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33). The State party should also take immediate legislative and other measures to oblige authorities, such as police, prosecutors, defence, judges and social workers, to present evidence in courts regarding the precise age of an accused person, or if failing to do so give a person the benefit of the doubt, in order to ensure that persons under 18 years of age are not sentenced to death or another adult punishment.

131. As regards reporting of newborn deaths and stillbirths, the Committee recommends that the State party facilitate access to civil registrars, particularly in the remote areas of the country.

Respect for the views of the child

132. The Committee notes that some of the State party's domestic laws, rules and regulations explicitly respect the consent and views of the child, for example in judicial and administrative proceedings and that the State party has promoted the participation of children, inter alia, through the National Youth Parliament (Republic Act No. 8044) and student councils. Despite these positive steps, the Committee is of the view that children's right to participation and free expression of their views is still limited in the State party, partly due to traditional attitudes in society.

133. 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 the child and facilitate their interactive participation in all matters affecting them, inter alia, through children's and youth councils, forums, parliaments, etc., while paying special attention to vulnerable groups of children;

(b) Undertake awareness-raising campaigns on children's right to be heard and participate by encouraging children and their parents, caregivers and professionals working with and for children to seek and increase children's opportunities to influence issues concerning them.

134. The Committee notes with appreciation the activities of the child helpline “Bantay Bata 163”, which is an important instrument for children to express their concerns and views and seek help and advice. However, the Committee is concerned at the fact that the helpline is only accessible to children living in the capital region and its expansion to the rural areas of the country lacks core funding.

135. The Committee recommends that the State party support the expansion of “Bantay Bata 163” child helpline by making it nationally accessible and toll-free and providing it with adequate human, technical and financial resources. As regards awareness of the helpline among children, the Committee recommends that the State party include information about the helpline in its child-related programmes.

3. Civil rights and freedoms

Birth registration

136. While noting the estimated increase in the birth registration rate and the measures taken by the State party in this respect, including the Unregistered Children Project conducted in collaboration with PLAN International and the National Statistics Office, the Committee remains concerned at the difficulties in ensuring timely birth registration of children, in particular children belonging to religious or other minority groups or indigenous peoples and children living in the remote areas of the country and at the fact that birth registration is not free of charge and not equally accessible to all parents in the entire territory of the State party. The Committee also expresses its concern about the simulation of birth certificates.

137. In order to secure the full enjoyment of all human rights and fundamental freedoms by children and to achieve 100 per cent birth registration, the Committee recommends that the State party strengthen its efforts to develop an efficient and at all stages free of charge birth registration system, which covers its territory fully, including through using more effectively mobile birth registration units to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to improved access to an early birth registration for parents whose children were born out of wedlock and parents belonging to religious or other minorities or indigenous peoples.

138. The Committee recommends to the State party that it introduce awareness-raising campaigns aimed at changing public attitudes and sensitizing parents, maternity clinics and hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country. In addition, the Committee recommends that the State party deepen its cooperation with the international agencies and non-governmental institutions in this respect. The Committee recommends that the State party take effective measures against simulation of birth certificates, inter alia, by assigning a governmental body, such as the Department of Social Welfare and Development, to monitor the implementation of relevant provisions and file all simulation cases. The Committee also recommends to the State party that it launch an information campaign, particularly at the local level, on the child’s right to identity at birth and on growing up in a family.

Name, nationality and identity

139. With reference to the high number of overseas Philippine workers, the Committee is concerned about children born abroad to Philippine migrant workers. Due to the non-registration of these children, they are deprived of their right to name, nationality and identity as well as basic services.

140. The Committee recommends to the State party that it encourage and facilitate parents, irrespective of their residence status, to register their children born abroad. The Committee also recommends that the State party ensure that unregistered children without official documentation are allowed access to basic services, such as health and education, while waiting to be properly registered. In addition, the Committee recommends to the State party that it raise awareness among parents about the need and value of birth registration.

Torture and other cruel, inhuman or degrading treatment or punishment

141. The Committee notes that the Constitution of the Philippines prohibits torture and that the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603) provide protection for children against torture and ill-treatment and that all hospitals, clinics, related institutions and private physicians are obliged to report in writing all cases of torture and ill-treatment of children. Nevertheless, the Committee is deeply concerned at a number of reported cases of torture, inhuman and degrading treatment of children, particularly for children in detention. The Committee reiterates its previous recommendation on prohibiting and criminalizing torture by law and it is of the view that existing legislation does not provide children with an adequate level of protection against torture and ill-treatment.

142. As regards torture and other cruel, inhuman or degrading treatment or punishment, the Committee urges the State party to review its legislation in order to provide children with better protection against torture and ill-treatment in the home and in all public and private institutions and to criminalize torture by law. The Committee recommends that the State party investigate and prosecute all cases of torture and ill-treatment of children, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected. The State party should ensure that child victims are provided with appropriate services for care, recovery and reintegration. The Committee recommends that the State party continue its efforts in training professionals working with and for children, including teachers, law enforcement officials,