

**CHILDREN'S RIGHTS -
AGE (OF MAJORITY, OF CONSENT, OF RESPONSIBILITY)**

IV. CONCLUDING OBSERVATIONS, CONTINUED

ICCPR

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(10).

(10) The Committee expresses its concern about the practice of marriage of young girls and the inequality between men and women as regards marriageable age (articles 3 and 26 of the Covenant).

The State Party should protect girls from early marriage and do away with discrimination against women as regards marriageable age.

- Togo, ICCPR, A/58/40 vol. I (2003) 36 at para. 78(21).

(21) The Committee notes with great concern that the Individuals and Family Code, which has been under review since 1999, still contains provisions that discriminate against women, particularly with respect to the minimum age for marriage, the choice of the matrimonial home and freedom to work; that it authorizes polygamy and designates the husband as head of the family; and that it upholds the primacy of particularly discriminatory customary laws relating to marriage and succession.

The State party should bring the Individuals and Family Code into line with articles 3, 23 and 26 of the Covenant and bear in mind, in this regard, the concerns expressed by non-governmental organizations active in the field of women's rights.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(10).

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership...

...

(b) Particular attention should be paid to the question of early marriage by girls, a widespread phenomenon. The State party should raise the minimum legal age for marriage by girls to the same age as for boys.

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- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at para. 66(19).

(19) While commending the introduction since 1995 of legislation designed to improve the condition of women, the Committee remains concerned about the contradiction between constitutional guarantees of fundamental rights and the continuing existence of certain aspects of personal laws discriminating against women, in regard to marriage, notably the age of marriage, divorce and devolution of property (arts. 3, 23, 24 and 26).

The State party should complete the ongoing process of legislative review and reform of all discriminatory laws, so as to bring them into conformity with articles 3, 23, 24 and 26 of the Covenant.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at paras. 69(17) and 69(18).

(17) The Committee is concerned about the compatibility with the Covenant of the low age of criminal responsibility in Suriname (10 years), having regard in particular to reliable information about the ill-treatment of children in detention and the long delays in pending trials.

The State party should revise its legislation with regard to the age of criminal responsibility, which at its present level is unacceptable under international standards. The State party should inform the Committee as to how its practice complies with articles 10, paragraph 2 (b), 14, paragraph 4, and 24 of the Covenant.

(18) The Committee is concerned that the current Asian Marriage Act provides for “arranged marriages” and sets the minimum age for marriage at 13 years for female and 15 years for male citizens of Asian descent. These ages are incompatible with articles 3 and 26 and article 24, paragraph 1, of the Covenant. Marriage at such a young age, and in particular arranged marriages, is also incompatible with article 23 of the Covenant, which stipulates that no marriage shall be entered into without the free and full consent of the intending spouses. While the State party submits that citizens of non-Asian descent also may marry under this Act, it has not responded to the Committee’s request for statistics on how many non-Asians have actually done so (arts. 23 and 24).

The State party should take steps to change the current marriage legislation and to bring it into conformity with the Covenant.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(23).

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(23) The Committee is concerned at the practice of early and forced marriage in the State party, despite the minimum age for marriage of 18 years (art. 23).

The State party should take effective steps to do away with this practice and to sanction those involved in its occurrence.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(24).

(24) The Committee is concerned about the extremely low age of criminal responsibility, namely 8 years (paragraph 190 of the report), which cannot be considered compatible with article 24 of the Covenant.

The State party is urged to raise the minimum age of criminal responsibility.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(21).

(21) The Committee notes with concern that the Personal Status Act allows children aged 15 to marry, and that early marriage of girls, sometimes below the age fixed by the law, persists. It is also concerned about marriages of under-age children contracted by their guardians. This practice jeopardizes the effectiveness of the consent given by spouses, their right to education and, in the case of girls, their right to health (arts. 3, 23 and 24).

The State party should raise the minimum age of marriage and ensure that it is respected in practice.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(14).

(14) The Committee notes with concern that the death penalty is not restricted to the “most serious crimes” within the meaning of article 6, paragraph 2, and is applicable to drug trafficking. The Committee regrets that, despite the amendment in 2003 of the Penal Code, which prohibits imposition of the death penalty on persons below 18 years of age, the State party has not yet withdrawn its declaration to the Covenant on article 6, paragraph 5 (art. 6).

The State party should review the imposition of the death penalty for offences related to drug trafficking in order to reduce the categories of crime punishable by death. The State party should also consider the withdrawal of its declaration on article 6, paragraph 5, of the Covenant.

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ICESCR

- France, ICESCR, E/2002/22 (2001) 121 at paras. 865 and 876.

865. The Committee is concerned that the State party has not yet changed the minimum age for marriage for girls (15 years) in the Civil Code to conform with that for boys (18 years), especially in the light of the delegation's statement that this discrepancy has not had an actual impact on the marriage rate, which has demonstrated an increasing average age of marriage for both sexes.

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876. The Committee recommends that the legal minimum age for marriage for girls be raised to 18 years.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 934 and 947.

934. The Committee expresses its concern about the persistence of child labour, particularly in the informal sector. Furthermore, the Committee is concerned that the low minimum working age of 12 years is not adhered to in practice.

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947. The Committee recommends that the State party continue as a matter of priority the implementation of its September 2000 memorandum of understanding with ILO...The Committee particularly urges the State party to review the minimum working age, with a view to increasing it, and to endeavour to enforce the minimum age more rigorously...

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) at paras. 267 and 290.

267. The Committee is deeply concerned that the minimum age for work, which is too low, in certain cases as low as 12 years, leaves children more vulnerable to exploitation and prejudices their right to education.

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290. The Committee urges the State party to review and harmonize legislation on the minimum working age and to implement measures to provide children with sufficient legal protection. In this regard, the Committee recommends that the State party ratify ILO Convention No. 138 (1973) concerning minimum age for admission to employment.

- Poland, ICESCR, E/2003/22 (2002) 54 at para. 349.

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349. The Committee welcomes the recent redefinition of juvenile work, according to which the minimum working age has been raised from 15 to 16 years.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 504 and 519.

504. The Committee is...concerned that the law allows the work of children between 13 and 15 with the written consent of one parent or a guardian and the labour inspector, and that the list of permissible work includes that of an industrial nature.

...

519. The Committee...recommends that the State party review its legislation in order to prohibit under all circumstances the work of children under the age of 15.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 139 and 160.

139. The Committee is concerned that, according to information received, an alleged approximate number of 5,800 children below the minimum working age of 15 years illegally work in the streets.

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160. The Committee recommends that, in compliance with article 10 of the Covenant, the State party institute criminal proceedings and takes other effective measures against parents or other persons who may be exploiting children below the minimum working age of 15 years illegally working in the streets. The State party should also take measures to ensure regular school attendance by these children, as provided for by article 13 of the Covenant.

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 198 and 218.

198. The Committee is concerned that ages for admission and completion of free compulsory primary to intermediate education have not been clearly set.

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218. The Committee recommends that the State party set ages for admission to, and completion of, free compulsory primary to intermediate education. In this regard, it refers the State party to the Committee's general comments Nos. 11 (1999) on plans of action for primary education (article 14 of the Covenant) and 13 (1999) on the right to education (article 13 of the Covenant).

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 350 and 368.

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350. The Committee expresses its concern at the relatively low age of criminal responsibility in the State party.

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368. The Committee encourages the State party to review its legislation with a view to raising the age of criminal responsibility.

CEDAW

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 99 and 100.

99. The Committee notes with concern that sexual intercourse with a girl only up to 14 years of age is considered to be rape, and Estonian law permits the marriage of a girl between the ages of 15 and 18 in exceptional circumstances, such as pregnancy.

100. The Committee recommends that the State party amend its law on statutory rape and bring its law on early marriage into conformity with article 16, paragraph 2, of the Convention, and its own policies on the reproductive health of women and girls. It urges the State party to develop preventive optional welfare programmes to address the problem of teenage pregnancy.

- Trinidad and Tobago, CEDAW, A/57/38 part I (2002) 19 at paras. 157 and 158.

157. The Committee is concerned that child marriages are sanctioned under several of the legal regimes regulating marriage. The Committee notes that such marriages are prohibited by article 16, paragraph 2, of the Convention, and that such marriages have serious consequences for girls, including with regard to health...

158. The Committee urges the State party to ensure that all its minimum age of marriage laws and other programmes to prevent early marriage are in line with the obligations of the Convention...

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 270, 274 and 275.

270. The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular...the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men.

...

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274. ...The Committee is...concerned at the existence of discriminatory legislation, such as the Land Development Ordinance, and the provisions allowing for Muslim personal law, which, *inter alia*, does not provide a minimum age of marriage...

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution...The Committee further recommends that, in its efforts to eliminate discriminatory legislation, the State party take into account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 67 and 68.

67. The Committee is...concerned at the very low age of marriage for some communities.

68. The Committee urges the State party to review the law on marriage in line with articles 15 and 16 of the Convention...

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 64 and 65.

64. The Committee is concerned that the minimum legal age for marriage is 17 years for women and 18 years for men. It is also concerned that in exceptional circumstances girls may marry at 16.

65. The Committee recommends that the State party raise the age of marriage for women to 18 years.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 196 and 197.

196. The Committee expresses concern about the disparity between the legal age of marriage for girls and boys, which is discriminatory. The Committee is further concerned that the minimum age at which a girl can legally contract matrimony - 14 years - is too low and can impact negatively on their health and impede their education.

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197. The Committee urges the State party to take steps to remove the disparity in the legal age of marriage of women and men and take measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.

See also:

- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 394 and 395.
- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 488 and 489.

- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 333 and 334.

333. ...[T]he Committee... is particularly concerned that the definition of rape, including that within marriage, is based on the use of force rather than lack of consent, as well as the issue of seduction of girls below the age of 14 years. The Committee is also concerned that Hungarian law permits early marriage of girls between the ages of 16 and 18 in certain circumstances.

334. The Committee recommends that the State party... amend its law on seduction of girls less than 14 years of age to incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls. The Committee also urges the State party to take measures to raise the minimum age of marriage for girls in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 449 and 450.

449. The Committee notes with concern that the minimum legal age of marriage, which is set at 16 in most of the states, is very young and not the same for girls and boys.

450. The Committee recommends that the law be revised by raising the minimum legal age of marriage in order to bring it into line with the provisions of the Convention on the

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Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and make it equally applicable to girls and boys.

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 182 and 183.

182. ...The Committee is particularly concerned about the practice of pre-marriage in view of the fact that Congolese law, while recognizing the practice, does not stipulate a minimum age for pre-marriage partners.

183. While noting the State party's willingness to abolish pre-marriage, the Committee recommends, as an interim measure, that the minimum age for pre-marriage be brought in line with the legal age for marriage and that all measures be taken to ensure that women in both pre-marriage and marriage enjoy equal rights within and upon dissolution of the union...

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 267 and 268.

267. The Committee notes with concern that the minimum legal age of marriage is set at 15 for girls and 18 for boys.

268. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls, in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a "child" as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 371 and 372.

371. The Committee expresses concern that the Civil Code still contains discriminatory provisions, including those with respect to the minimum age for marriage...

372. The Committee requests the State party to repeal discriminatory legal provisions that still exist in the Civil Code and to bring legislation and administrative practice into line with the Convention.

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 66 and 67.

66. The Committee expresses concern at the continuing existence of *de jure* discrimination

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against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act...The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 125 and 126.

125. The Committee is concerned about the practice of common-law marriages, which allows girls to be married at 15 years of age, while the statutory age of marriage is 18...

126. The Committee urges the State party to eliminate the practice of common-law marriages and ensure that marriages are contracted under the 1980 Marriage Act, amended in 1996, which raised the legal age for marriage to 18 years for both sexes so as to comply with article 16 (b) of the Convention, requiring free and full consent to enter into marriage...

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 253 and 254.

253. The Committee, while welcoming the fact that the age of marriage has been set at 18 years for both girls and boys, is concerned about the persistence of the practice of early marriage, which may be perpetuated further by the non-registration of births.

254. The Committee recommends that the State party take measures to achieve free and timely registration of all births and undertake awareness-raising measures, throughout the country, particularly in rural areas, on the importance of registering births and the negative effects of early marriage on women's enjoyment of human rights, especially the rights to health and education.

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 299 and 300.

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299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation...It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 257 and 258.

257. The Committee expresses concern that although in Bangladesh the minimum age of marriage for girls is 18 years, child marriage continues to be practised widely.

258. The Committee urges the State party to enact into law the proposed Child Marriage Restraint Act, 2002 and ensure its enforcement, in order to eliminate child marriage.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 304 and 305.

304. In spite of the existence of legislation on child labour and the efforts and programmes to eradicate the practice, the Committee is highly concerned about the high rate of child labour that persists in the Dominican Republic and the fact that work done by girls over the age of 10 is included in the official statistical data on the labour force.

305. The Committee urges the State party to continue its efforts to eradicate child labour, to support education as a means of empowering those boys and girls in the future, to ensure that there is clear comprehension of and effective compliance with the minimum working age and to remove data on child labour from the official labour force statistics.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 60 and 61.

60. The Committee is concerned about the persistence of discriminatory provisions in family law, especially in regard to marriage, as well as the persistence of traditions that

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discriminate against women and girls. In particular, the Committee is concerned at the age of consent to marriage for girls being 16 years, whereas it is 18 for boys, at the fault-based divorce system and at the lack of legislation on the division of marital property.

61. The Committee urges the State party to give high priority to the planned revision of the law governing marriage, its dissolution and family relations so as to ensure compliance with article 16 of the Convention and in line with the Committee's general recommendation 23 on marriage and family relations. The Committee also recommends that the State party undertake awareness-raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas.

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 110 and 111.

110. The Committee is concerned that the law allows marriage under the age of 18 in "special and necessary cases" and that a considerable percentage of women do marry before they reach the age of 18.

111. The Committee recommends that the State party prohibit under-age marriage in all circumstances...

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 281, 282, 285 and 286.

281. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education and lead them to drop out of school early.

282. The Committee encourages the State party to take measures towards raising the minimum legal age of marriage for girls and boys with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

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285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors...The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

286. The Committee urges the State party to put in place effective monitoring mechanisms

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to ensure the enforcement of existing legislation, particularly as it applies to domestic workers...The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies into line with its obligations under International Labour Organization Conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes of the high incidence of girls performing domestic work.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 261 and 262.

261. The Committee is concerned by the State party's assertion that it is not in a position to implement the law prohibiting polygamy and enforce the minimum age of marriage owing to respect for the privacy rights of persons engaging in such practices. The Committee is further concerned that petitions for the under-age marriage of girls are regularly granted.

262. The Committee urges the State party to take active measures to enforce the prohibition of polygamy and enforce adherence to the minimum age of marriage. The Committee recommends that the State party take comprehensive and effective measures, including public awareness-raising campaigns, aimed at eliminating the practices of polygamy and early-age marriage.

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 289, 290, 305 and 306.

289. The Committee is concerned about the persistence of discriminatory legal provisions, particularly the Criminal Law (Offences) Act provision which makes it a criminal act for a girl of 16 years to have sexual intercourse with a relative such as a grandfather or brother and making her liable to imprisonment for up to seven years...

290. The Committee urges the State party to undertake comprehensive legal reform in accordance with its obligations under the Convention and, in particular, to eliminate discriminatory provisions without delay in the Criminal Law (Offences)...

...

305. While welcoming the adoption of the National Strategic Plan for HIV/AIDS 2002-2006, the Committee notes with concern the high and growing prevalence of HIV/AIDS among women, especially younger women, who are particularly vulnerable because of unequal power relations and limited socio-economic opportunities. The Committee is especially concerned that the low minimum age of sexual consent (13 years) puts young

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women and girls at particular risk of becoming victims of sexual exploitation and infection with the virus.

306. The Committee urges the State party to strengthen attention to the gender dimensions in its efforts to combat the HIV/AIDS pandemic. It calls on the State party to increase its emphasis on men's responsibilities in preventing the spread of the disease, including through awareness-raising and prevention campaigns, and the implementation of education programmes on sexual and reproductive health and rights directed at both women and men, including the provision of condoms. It also urges the State party to increase the minimum age of sexual consent to protect girls effectively against sexual exploitation.

- Burkina Faso, CEDAW, A/60/38 part II (2005) 144 at paras. 339 and 340.

339. While welcoming the Individual and Family Code, which provides for women's equality with men in many respects in the areas of marriage, divorce and death and inheritance, the Committee is concerned about the persistence of several discriminatory provisions in the Code, particularly in relation to the minimum age of marriage, which is 17 years for girls and 20 years for boys, and the legality of polygamy under the Code.

340. The Committee urges the State party to accelerate the process of legal reform to raise the minimum age of marriage of girls and to prohibit polygamy in order to ensure compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.

CAT

- Israel, CAT, A/57/44 (2001) 27 at para. 52.

52. The Committee expresses concern about the following matters:

...

(d) ...The difference in the definition of a child in Israel and in the Occupied Territories is...a matter of concern. While under Israeli law majority is attained at the age of 18, military order No. 132 defines a minor as someone under the age of 16. (In Israel, including the Occupied Territories, no minors under the age of 12 years can be held criminally responsible);

...

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- Colombia, CAT, A/59/44 (2003) 33 at para. 62.

62. The Committee notes with satisfaction the State party's adoption of a number of domestic laws of relevance to the prevention and suppression of torture and ill-treatment, in particular:

...

(c) Act No. 548/1999, which prohibits the conscription of persons under 18 years of age;

...

- New Zealand, CAT, A/59/44 (2004) 61 at paras. 134 and 135.

134. The Committee expresses concern about:

...

(e) The low age of criminal responsibility, and the fact that juveniles are sometimes not separated from adult detainees and have been detained in police cells, owing to a shortage of Child, Youth and Family Residential Facilities;

...

135. The Committee recommends that the State party:

...

(e) Implement the recommendations made by the Committee on the Rights of the Child (CRC/C/15/Add.216, paras. 30 and 50);

...

- Yemen, CAT, A/59/44 (2003) 64 at paras. 145 and 146.

145. The Committee expresses concern about the following:

...

(i) The Committee is concerned at the low minimum age of criminal responsibility and at the detention of child offenders as young as 7 years in specialized hospitals or social protection institutions.

146. The Committee recommends that the State party:

...

(l) Review the minimum age of criminal responsibility and ensure that all protective institutions and other places of detention meet international juvenile justice standards, including those of the Convention;

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CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 48 and 49.

48. The Committee notes that the newly adopted Personal Status Code sets the minimum age for marriage at 18, but it expresses its concern about the disparity between the legal minimum age for admission to employment (16 years) and the age for the end of compulsory education (14 years).

49. In light of articles 1 and 2 of the Convention, the Committee recommends that the State party ensure that the minimum age for marriage is fully enforced in practice, and that the population is aware of its existence, in order to bring an end to the practice of early marriage of girls. It further recommends that the State party redefine the minimum age for the end of compulsory education so that it corresponds to the age for admission to employment.

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 103, 104, 140 and 141.

103. The Committee is concerned about the various legal minimum ages which are inconsistent, discriminatory and/or too low. In particular, the minimum age of eight years for criminal responsibility is too low.

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

(a) To increase the legal age for criminal responsibility and for sexual consent;

(b) To correct the disparity between the legal minimum ages for marriage of boys and girls, preferably by increasing the legal minimum age for marriage of girls under the Marriage Act (Laws of Kenya, chap. 150) and the Hindu Marriage and Divorce Act (Laws of Kenya, chap. 157);

(c) To establish clear minimum ages for marriage under Islamic and customary laws, employment, especially with respect to apprenticeship programmes, and compulsory education.

...

140. ...The Committee notes...with concern that notwithstanding various legal provisions there is no firm minimum age for admission to employment and that child labour is still prevalent in the State party.

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141. ...The Committee urges the State party to establish a clear legal minimum age for employment, in particular for those working in the agricultural sector...

- Oman, CRC, CRC/C/111 (2001) 36 at para. 202.

202. The Committee recommends that the State party:

(a) Establish a minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;

...

(d) Ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

...

See also:

- Bahrain, CRC, CRC/C/114 (2002) 122 at para. 498.

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 226, 227, 256 and 257.

226. The Committee notes the State party's ongoing efforts to ensure child participation and welcomes the fact that the age at which a child's opinions must be heard in administrative and judicial proceedings affecting the child has been defined under relevant legislation and taken into consideration in accordance with the age and maturity of the child. The Committee notes, in addition, ongoing efforts to address concerns regarding cultural conceptions of the value of a child's opinion within schools and society (see paragraph 123 of the State party's report) and in decision-making at national and local levels in matters affecting children.

227. In the light of article 12, the Committee encourages the State party to continue to enhance child participation and respect for the opinions of the child, including at national and local levels and in accordance with the age and maturity of the child.

...

256. The Committee welcomes the State party's implementation of the Committee's 1995 recommendations with regard to reform of the juvenile justice system and the social welfare and security systems. However, the Committee remains concerned that:

(a) Children over 16 may not receive the full benefit of relevant protections in the context of juvenile justice proceedings for criminal acts (see, for example, paragraphs 473 and 501

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of the State party's report);

...

257. The Committee recommends that the State party:

...

(c) Ensure, in particular, that children aged 16 and over benefit from full protection of their rights in the context of juvenile justice proceedings.

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 291, 292, 300 and 301.

291. The Committee is concerned that the minimum ages for marriage and employment are unclear under Qatari law.

292. The Committee recommends that the State party review its legislation so that the minimum-age requirements for marriage and employment conform to the principles and provisions of the Convention, are gender neutral and are explicit, and ensure that they are enforced by law.

...

300. The Committee is seriously concerned that under the 1994 Juvenile Act there is a possibility that the death penalty or life imprisonment may be imposed for offences committed by persons when they were under 18 years old, contrary to articles 6 and 37 (a) of the Convention.

301. The Committee strongly recommends that the State party take immediate steps to ensure that the law prohibits the imposition of the death penalty or life imprisonment for crimes committed by persons under 18.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 348, 349, 391 and 393.

348. The Committee is concerned at the difference between the minimum legal ages for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory and allows for the practice of early marriage, which is still widespread. The Committee is further concerned that the minimum and upper age limits have not been set for compulsory education, that a child below the age of 18 years may be recruited into the armed forces with parental consent and at the lack of a minimum age for medical counselling without parental consent.

349. The Committee recommends that the State party:

(a) Raise the minimum age for marriage to 18 for both boys and girls; and develop

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sensitization programmes involving community leaders and society at large, including children themselves, to curb the practice of early marriage;

(b) Set a minimum and upper age limit for compulsory education;

(c) Set a minimum age of 18 years for recruitment into the armed forces, without any possibility of recruitment below that age, even with parental consent;

(d) Set a minimum age for medical counselling without parental consent, to make access to health services possible for adolescents.

...

391. ...Noting that there are no criminal penalties for children below the age of 14 years, the Committee is still concerned that the minimum age for criminal responsibility is too low (10 years).

...

393. ...[T]he Committee recommends that the State party:

(a) Raise the age of criminal responsibility;

...

See also:

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 196 and 197.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 421, 422, 460, 461, 464 and 466.

421. The Committee is concerned that there is no clear legal definition of the child in the State party and that various legal minimum ages which are inconsistent with the Convention, discriminatory and/or too low have been set.

422. With reference to paragraph 60 of the State party's initial report, the Committee encourages the State party to take the necessary legislative measures:

(a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;

(b) To set the legal minimum age for marriage of girls and boys at 18 years; and

(c) To establish clear legal minimum ages for compulsory education, employment and enlistment in the armed forces, in accordance with the principles and the provisions of the

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Convention.

...

460. ...The Committee...notes with concern that there is no legal minimum age for employment in accordance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment...

461. ...The Committee urges the State party to establish a clear legal minimum age for employment.

...

464. ...[T]he Committee is deeply concerned at the possibility that a child may be sentenced to the death penalty. The Committee is also concerned at the low age of criminal responsibility (seven years), the absence of juvenile courts and juvenile judges, and the lack of social workers and teachers to work in this field.

...

466. ...[T]he Committee recommends that the State party:

(a) Prohibit the use of the death penalty, life imprisonment and whipping;

(b) Raise the age of criminal responsibility;

...

- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 492 and 493.

492. The Committee reiterates its concern about the disparity between the legal minimum age for admission to employment (12 years) and the age for the end of compulsory education (15 years).

493. The Committee recommends that the State party increase the minimum age for admission to employment in order to prevent children from starting to work before the completion of compulsory education.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 545 and 546.

545. Noting that a person reaches the age of majority at 18 years under the 1996 Civil Code, the Committee is concerned about:

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Inconsistencies with other legislation and government decisions (for example, Cabinet Ministers Decision No. 319 of 24 June 1994 in relation to disability assistance paid to disabled children up to 16 years);

Differences in the minimum age for marriage of males and females under the 1998 Family Code;

The inadequate enforcement of minimum-age standards (i.e. with respect to early marriage, purchase of alcohol, etc.).

546. The Committee recommends that the State party review its legislation so that the definition of the child and minimum-age requirements conform to the principles and provisions of the Convention, are gender neutral, are explicit and are effectively enforced by law.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 619 and 620.

619. The Committee is concerned that the number of years of compulsory education under existing provisions is insufficient.

620. The Committee recommends that the State party:

(a) Increase the number of years of compulsory education, including by extending the minimum age for leaving education;

(b) Take steps to close gaps between the minimum age for work and the end of compulsory education, so as to ensure that children do not end their education prematurely to begin work;

(c) Seek technical assistance from UNESCO and ILO, as appropriate, in this regard.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 50, 51, 77 and 78.

50. Noting the average age at which a marriage is concluded (31 years for men and 28 years for women), the Committee is nevertheless concerned that there are many different minimum ages for marriage owing to the existence of 15 personal status laws administered by different confessional groups, and above all that some confessional groups permit marriage to be entered into by boys as young as 14 and girls as young as 9. The Committee is concerned in particular that its previous recommendations to review the minimum age for marriage and

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to adopt legislative measures with a view to ensuring respect for the rights of girls, especially in relation to preventing early marriage, have not been followed up ([CRC/C/15/Add.54], para. 28). Furthermore, in light of its previous concluding observations, the Committee is concerned at the very low age of criminal responsibility, which is set at 7 years (ibid, para. 23). Finally, while noting the very positive steps taken to raise the minimum age for the completion of compulsory education (12 years) and the plans to raise the age further to 15 and to increase the minimum age of employment to the end of the thirteenth year, the Committee is concerned about the gap between the two ages.

51. The Committee recommends that the State party:

(a) Take all necessary steps to increase awareness among the confessional groups - e.g. via information campaigns highlighting the *de facto* average age of marriage - about the need to harmonize the minimum age for marriage, to raise it and to make it the same for boys as for girls;

(b) Raise the minimum age for criminal responsibility and other minimum age requirements in accordance with the principles and provisions of the Convention, and ensure that they are gender neutral and are enforced by law; and

(c) Pursue its plans to erase the gap between the school-leaving age and the minimum age for employment by increasing both to 15, in conformity with ILO Convention No. 138.

...

77. While noting with appreciation the number of initiatives undertaken, in particular the law making basic education free and compulsory until the age of 12 and the intention to raise it further to 15, the Committee is nevertheless concerned about the implementation of the law, including that public education is not entirely free...

78. The Committee recommends that the State party:

(b) Take the necessary steps to achieve its goal of making education free and compulsory until the age of 15;

...

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 121 and 122.

121. Taking note of the State party's indication of its intention to change legislation and define the age of majority uniformly as 18, and noting the Special Committee that has been appointed in this regard, the Committee is concerned:

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(a) At inconsistencies in the definitions of a child within the State party's legislation, including that under civil law a minor is a person who has not reached age 18 while under penal law a minor is a person who has not reached 17;

(b) That domestic legislation allows the drafting into the armed forces of children aged 17.

122. The Committee recommends that the State party:

(a) Clarify the age of majority, with particular regard to penal law and the international practice that juvenile justice standards are extended to children up until age 18;

(b) Raise, in light of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict signed by the State party in September 2000, the minimum age at which persons can be conscripted into the armed forces to at least age 18.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 272 and 273.

272. The Committee is concerned:

(a) At differences in the minimum age of marriage for girls (14) and boys (16);

(b) That the varying definitions of the child under local customary law may be inconsistent with the Convention;

(c) That domestic legislation permits the conscription of children under the age of 18 under certain circumstances.

273. The Committee recommends that the State party:

(a) Increase the age of marriage of girls to that of boys;

(b) Ensure that the definitions of the child under local customary law are consistent with relevant provisions of the Convention;

(c) Ensure that domestic legislation prevents the conscription of young people under the age of 18; and consider establishing 18 as the minimum age for voluntary recruitment.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 346 and 347.

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346. The Committee expresses its concern at the low minimum age for marriage (12 years of age for girls and 14 for boys with the parents' consent), although this provision is outdated and not implemented in practice. It further notes that the Committee's previous recommendation on addressing the question of the minimum age of criminal responsibility ([CRC/C/15/Add.22 of 25 April 1994], para. 17) was not implemented.

347. The Committee recommends that the State party review its legislation with a view to making the minimum age for marriage of girls the same as that for boys and to bring it into full conformity with the provisions and principles of the Convention, and to setting a minimum age for criminal responsibility.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 397 and 398.

397. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. In particular, the Committee is concerned that the Constitution defines a child as any person below the age of 16 years, at the too low minimum age of criminal responsibility (7 years), and the absence of a clear minimum age for employment.

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

- (a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;
- (b) To increase the legal age of criminal responsibility in accordance with the best interests of the child;
- (c) To establish clear minimum ages for marriage and correct the discrimination between boys and girls;
- (d) To set a clear minimum age for access to employment in accordance with international standards; and
- (e) To review more generally its legislation which sets minimum ages which do not comply with article 1 and other relevant provisions of the Convention on the Rights of the Child.

- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 470 and 471.

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470. The Committee is concerned that there is no defined minimum age for marriage, and that there are inconsistencies in other areas of Bahraini law with respect to minimum ages.

471. The Committee recommends that the State party:

(a) Continue to review, and accordingly take steps to amend, its legislation so that the minimum-age requirements are gender neutral, are explicit, and are enforced by law; and, in particular,

(b) Establish a minimum age for marriage which is the same for males and females.

- Andorra, CRC, CRC/C/114 (2002) 134 at paras. 524, 525, 545 and 546.

524. The Committee notes with concern that the low minimum age for marriage is 16 years of age, 14 years of age with a judge's permission.

525. The Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage.

...

545. While noting the improvements in the juvenile justice system as a result of the enactment of the Qualified Law on Minors' Jurisdiction, which partially amends the Penal Code and the Qualified Law on Justice of 22 April 1999, the Committee is concerned that juveniles aged 16 and 17 years are treated as adults and can be sentenced to up to 15 years of imprisonment.

546. The Committee recommends that the State party establish a juvenile justice system which is in full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in particular by extending the applicability of the Qualified Law on Minors' Jurisdiction to all children under the age of 18 at the time the offence was committed.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 49 and 50.

49. The Committee is concerned that:

(a) Differences in the minimum legal age of marriage for girls (14) and boys (16) is

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discriminatory and that, in practice, the marriage of girls at age 13 or 14 is common;

(b) Boys under age 16 are legally permitted to join the armed forces if they have parental agreement and that children well under the age of 16 were recruited into armed forces in 1998 and 1999, during the internal armed conflict.

50. The Committee recommends that the State party:

(a) Raise the minimum legal age of marriage of girls so that it is the same as for boys and enforce respect for this minimum age;

(b) Clearly define the legal minimum age at which children can be recruited into the armed forces, raising the age limit to comply, at a minimum, with the standards set in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and ensure enforcement of these standards.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 148 and 149.

148. The Committee is concerned at the difference between the minimum legal age for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory. The Committee is also concerned at the fact that the Civil Code is rarely applied in this regard and that girls can marry at a much earlier age according to customary law, which leads to a widespread practice of early marriage and early pregnancy. In addition, the Committee is concerned at the fact that the minimum age for employment is fixed at 14 years, while education is compulsory until 16 years.

149. The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving traditional and religious leaders, and society at large, including children themselves, to curb the practice of early marriage. In addition, the Committee recommends that the State party harmonize the ages for child labour and compulsory education by increasing the minimum age for employment.

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 261, 276 and 277.

261. In light of the previous recommendations ([CRC/C/15/Add.39], para. 9) the Committee ...commends the amendment to the Labour Code raising the minimum age for admission to employment to 16 years, which is the age for completion of compulsory education...

...

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276. While noting the positive measures taken to bring the different age requirements into full compliance with the Convention and measures taken to follow-up on the Committee's previous recommendation by raising the minimum age of admission to employment to 16 years so as to harmonize it with the end of compulsory education, the Committee is concerned at the disparity in the minimum age of marriage for boys and girls, particularly that the age for girls is set at 17 years, although noting with appreciation that it was raised from 15 years.

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

See also:

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 50 and 51.
- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 393 and 394.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 428, 429, 454, 463 and 464.

428. The Committee is concerned that:

(a) A variety of different ages and related terms are applied to children within the State party and that these can lead to confusion with regard to the implementation of the Convention;

(b) The difference in the minimum legal age of marriage for girls (15) and boys (16) is discriminatory and both ages are low.

429. The Committee recommends that the State party:

(a) Clarify the ages and terms applied to children;

(b) Raise the minimum legal age of marriage of girls to the one of boys (16).

...

454. The Committee recommends that the State party:

...

(c) Follow through with its commitment, as expressed by the delegation, to enforce compulsory education requirements from September 2002 and to consider raising the age

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of compulsory education from 14 to 16;

...

463. While recognizing the State party's efforts in this domain the Committee remains concerned that:

(a) The age of criminal responsibility, fixed at 8 years of age, is too low and that juvenile justice protections are not afforded to all persons under the age of 18;

...

(d) Juveniles are not usually deprived of their liberty as a "last resort" and, because legislation does not provide for a sufficient range of sentencing alternatives to deprivation of liberty, juveniles and young people, especially from 16 years upwards, are sometimes sent to prison when a lesser punishment could have been applied;

...

(g) There is no institution used exclusively for children where children purging a prison sentence can be sent, that the "Approved Schools" provided for in the Juvenile Act do not exist and that, as a consequence, convicted children over 16 are sent to adult prison;

...

464. The Committee recommends that the State party:

(a) Significantly raise the age of criminal responsibility and ensure that all children under the age of 18 benefit from the special protection measures recognized by juvenile justice standards;

...

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 546, 547, 583, 584, 587 and 588.

546. The Committee is concerned that specific protection is only afforded to children of 16 years and below in the administration of the justice system.

547. The Committee recommends that specific protection be provided in the area of the administration of justice to all children up to the age of 18, in conformity with the Convention.

...

583. The Committee is concerned at:

...

(c) Legislation making sexual exploitation of children only a criminal offence up to the age of 16 and not 18, and the exclusion of boys from this legislation.

...

584. In light of article 34 of the Convention, the Committee recommends that the

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Netherlands Antilles:

...

(b) Extend coverage of legislation to ensure protection of children from sexual exploitation up to the age of 18;

...

587. The Committee is seriously concerned about the implications of the reservation entered by the State party on the applicability of adult criminal law to children over 16 years of age which is applicable to the Netherlands Antilles, and the reservation to article 40, which stipulates that for minor offences children need not be heard in the presence of a legal representative. The Committee is further concerned at reports that minors below 16 are held together with adults in detention facilities...

588. The Committee recommends that the State party:

...

(b) Apply the special protection of the juvenile justice system to all children below 18;

(c) Ensure that minors are always heard in the presence of a legal representative; consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including those pertaining to conditions of detention; and ensure that children are always separated from adults and remain in regular contact with their families while in the juvenile justice system;

...

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 83 and 84.

83. The Committee, while noting that the State party ratified ILO Conventions No. 138 concerning Minimum Age for Admission to Employment in 1996 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001, notes with deep concern the growing number of children under 14 who are exploited economically, in particular in rural areas, because of the economic crisis. It is also concerned at the lack of data and information with regard to this issue.

84. In light of article 32 of the Convention, the Committee recommends that the State party:

...

(b) Continue to enforce and strengthen its legislation to provide protection for working children in accordance with ILO Conventions Nos. 138 and 182, *inter alia* with a view to increasing the minimum age to 15;

...

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- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 145, 146, 151, 152 and 154.

145. The Committee is deeply concerned that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of four years, increasing to six years in the case of very young recruits. The Committee is also concerned at the widespread allegations that young recruits have been the victims of bullying and at the fact that children below the age of 18 years take direct part in hostilities overseas. The Committee remains concerned at the negative impact of the conflict in Northern Ireland on children, including in the use of emergency and other legislation in force in Northern Ireland.

146. The Committee recommends that the State party:

(a) Ratify the Optional Protocol on the involvement of children in armed conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party of the Optional Protocol, keeping in mind its object and purpose;

(b) While it recruits persons who have attained the age of 16 years but who have not attained the age of 18 years, endeavour to give priority to those who are the oldest in light of article 38, paragraph 3, of the Convention, and strengthen and increase its efforts to recruit persons of 18 years and above;

...

151. The Committee welcomes the State party's initiatives to introduce restorative justice and other constructive community-based disposals for juvenile offenders, the almost complete inclusion of 17-year-olds in the juvenile justice system and the creation of multidisciplinary teams to respond to child offenders' behaviour, but notes with serious concern that the situation of children in conflict with the law has worsened since the consideration of the initial report. The Committee is particularly concerned that the age at which children enter the criminal justice system is low with the age of criminal responsibility still set at 8 years in Scotland and at 10 years in the rest of the State party and the abolition of the principle of *doli incapax*. The Committee welcomes the different approach reflected in the Children's Hearings in Scotland and the debate on including young people of 16 to 18 years of age in the Children's Hearings. The Committee is particularly concerned that since the State party's initial report, children between 12 and 14 years of age are now being deprived of their liberty. More generally, the Committee is deeply concerned at the increasing number of children who are being detained in custody at earlier ages for lesser offences and for longer sentences imposed as a result of the recently increased court powers to issue detention and restraining orders. The Committee is therefore concerned that deprivation of liberty is not being used only as a measure of last resort and for the shortest

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appropriate period of time, in violation of article 37 (b) of the Convention...

152. In addition, the Committee notes with concern that:

...

(b) Children can be tried in adult courts in certain circumstances;

...

(e) Young people of 17 years of age are considered as adults for the purpose of remand.

...

154. ...[T]he Committee recommends that the State party:

(a) Considerably raise the minimum age of criminal responsibility;

...

(c) Ensure that no child can be tried as an adult, irrespective of the circumstances or the gravity of his/her offence;

...

(e) Ensure that detention of children is used as a measure of last resort and for the shortest appropriate period of time and that children are separated from adults in detention, and encourage the use of alternative measures to the deprivation of liberty;

...

(h) Review the status of young people of 17 years of age for the purpose of remand with a view to giving special protection to all children under the age of 18 years;

(i) Allocate appropriate resources for the Children's Hearings in Scotland to allow the number of cases dealt with to be substantially increased and to allow young offenders of 16 to 18 years of age to be included in the Children's Hearings system.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 180, 181, 213 and 215.

180. The Committee is concerned that:

(a) Under law there is a different minimum age of marriage for boys and girls;

(b) The age of compulsory education is not clear, giving rise to uneven enforcement.

181. The Committee, therefore, recommends that the State party:

(a) Review its legislation with a view to rectifying differences in the minimum age of marriage by raising the age for girls to that for boys;

(b) Establish a clear age for compulsory schooling and ensure that it is enforced.

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...

213. The Committee is concerned that although the minimum age for criminal responsibility is 12 years, prosecution of children between the ages of 8 and 12 is possible under certain conditions...

...

215. The Committee...recommends that the State party:

...

(b) Establish a clear minimum age of criminal responsibility at an internationally acceptable level and ensure that children under that age are not held in police custody or other forms of detention;

...

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 243, 244, 288 and 289.

243. The Committee is concerned that the definition of the child is unclear under Sudanese law and is not in conformity with the principles and provisions of the Convention. For example, minimum ages may be determined by arbitrary criteria, such as puberty, and discriminate between girls and boys, and in some cases are too low (e.g. the minimum age of marriage is as low as 10 years).

244. The Committee recommends that the State party review its legislation so that the definition of the child, the age of majority, and other minimum age requirements conform to the principles and provisions of the Convention, and that they are gender neutral, and ensure that the laws are enforced.

...

288. Noting the reference to a juvenile court project in the State party's response to the list of issues, the Committee is concerned that the holistic approach to addressing the problem of juvenile crime advocated in the Convention, including with respect to prevention, procedures and sanctions, has not been sufficiently taken into consideration by the State party. The Committee is concerned that the age of criminal responsibility is too low as a child may be punishable by detention in a reformatory from the age of 7.

289. The Committee recommends that the State party:

(a) Raise the minimum age of criminal responsibility;

...

(c) Ensure that all children under 18 years of age benefit from the protection of juvenile

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justice standards;

(d) Guarantee that sentences of capital punishment are not given for acts committed when the perpetrator was a child under 18 and that sentences of life imprisonment without possibility of release are likewise not handed down;

(e) End the imposition of corporal punishment, including flogging, amputation and other forms of cruel, inhuman or degrading treatment or punishment, on persons who may have committed crimes while under 18;

...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 318, 319, 365 and 366.

318. The Committee is concerned that despite its previous recommendation ([CRC/C/15/Add. 42], para. 17) there remain disparities in the minimum age of marriage for boys (18) and girls (17). It is also concerned that there is no clearly defined minimum legal age for sexual consent.

319. The Committee reiterates its previous recommendation that the State party rectify disparities in the age of marriage between boys and girls by raising the minimum age of marriage for girls to 18. It also recommends that the minimum legal age for medical advice and counselling without parental consent be lowered and a clear legal minimum age for sexual consent be established.

...

365. ...The Committee is...concerned at the severe penalties imposed on minors under the Criminal Code 2001.

366. The Committee recommends that the State party review its classification of serious crimes in order to minimize the scope of criminal responsibility for 14 to 16-year-old children. The Committee further recommends, in light of articles 37, 39 and 40 of the Convention, that the State party review the Criminal Code 2001, so that penalties for children are conducive to the realization of the goals of juvenile justice, as spelled out in article 40, paragraph 1, of the Convention, and are at least not more severe than under the previous Criminal Code.

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 448, 449, 487 and 489.

448. The Committee is concerned at the practice of forced and early marriage, which is still widespread. In addition, the Committee is concerned at the difference between the minimum

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age of employment (14 years) and the age for the end of compulsory education (16 years).

449. The Committee recommends that the State party:

(a) Ensure respect for the minimum age of marriage set up in the Code of the Individual and the Family (art. 238) and amend article 376 of the Penal Code in that regard, and develop sensitization programmes involving community and traditional leaders and society at large, including children themselves, to curb the practice of early and forced marriage;

(b) Take all necessary measures to ensure that employment of children does not interfere with their right to education.

...

487. ...[T]he Committee is deeply concerned at the possibility that children of 16 and 17 years of age are treated like adults and can be subjected to the death penalty or life imprisonment...

...

489. ...[T]he Committee particularly recommends that the State Party:

(a) Ensure that persons of 16 and 17 years of age are not treated like adults and enjoy the full protection of the Convention;

...

(g) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country, and in the meantime by ensuring that they are separated from adults in all prisons and in pre-trial detention places throughout the country;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 518 and 519.

518. The Committee is concerned that there is no clear minimum age of criminal responsibility and that, in some cases, children as young as 10 years of age can be sentenced to educational measures.

519. The Committee recommends that, as the 1982 Law on Procedures in Cases Involving Juveniles considers juveniles to be between the ages of 13 and 17 years, the State party establish 13 years as the minimum age for criminal responsibility in all cases, below which children cannot be sentenced to either correctional or educational measures.

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- Israel, CRC, CRC/C/121 (2002) 131 at paras. 574 and 575.

574. The Committee is concerned that Israeli legislation discriminates in the definition of the child between Israeli children (e.g. persons under 18 in the 1962 Guardianship and Legal Capacity Law, and the Youth (Trial, Punishment and Modes of Treatment) Law) and Palestinian children in the occupied Palestinian territories (i.e. persons under 16 in Military Order No. 132).

575. The Committee recommends that the State party rescind the provision of Military Order No. 132 concerning the definition of the child and ensure that its legislation conforms to articles 1 and 2 of the Convention in this regard.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 105 and 106.

105. The Committee remains concerned about the difference in the minimum age of marriage of girls (16) and boys (18).

106. The Committee reiterates its previous recommendation to the State party that it raise the minimum age of marriage of girls to that of boys.

See also:

- Romania, CRC, CRC/124 (2003) 49 at paras. 219 and 220.

- Italy, CRC, CRC/124 (2003) 36 at paras. 178 and 179.

178. ...[T]he Committee is concerned at the age-limit set in the legislation regarding violence against children, as children above 14 or 16 years (depending on the relations with the perpetrator) do not enjoy the same protection.

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

...

(c) Amend its legislation regarding the existing age-limit set for special protection against all forms of violence against children;

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 347, 348, 379, 380, 386 and 387.

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347. The Committee welcomes the amendment to section 216b of the Criminal Code concerning the deletion from the text of the words “unless such person has attained majority earlier” in the definition of the child as a person younger than 18 years of age. However, the Committee is concerned at the information received on the ongoing debate on the juvenile justice reform in the State party intended to lower the age of criminal responsibility.

348. In the spirit of the Convention, especially with reference to articles 3 (best interests of the child) and 12 (right to life, survival and development), the Committee urges the State party to retain the present age of criminal responsibility of 15 years.

...

379. ...[T]he Committee is concerned that many children, including those under 15 years of age and as young as 7 years, perform regular labour in agriculture, family enterprises and as models.

380. The Committee recommends that the State party:

...

(c) Protect all children above 15 years from performing any work that is likely to be hazardous, to interfere with the child’s education, or to be harmful to the child’s health or physical, mental or social development;

(d) Make every effort to ensure that those children above 15 who do work legally continue to have access to education;

...

386. The Committee notes the information provided in the State party’s report (para. 293) related to discussions by the Recodification Commission on the non-existence of a juvenile justice system leading to treatment which may not be in conformity with the provisions and principles of the Convention, and welcomes the information provided by the delegation that a bill for juvenile justice reform will be submitted to parliament soon. At the same time the Committee is concerned at the rise in delinquency and crimes committed by children.

387. The Committee recommends that the State party:

...

(b) Clarify the minimum age of criminal responsibility in the light of the legal provisions authorizing protective custody for children under the age of 12;

...

(e) Ensure that no children are detained illegally and that when detention is necessary as a measure of last resort, that persons under 18 are detained separately from adults;

...

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- Haiti, CRC, CRC/124 (2003) 95 at paras. 448 and 449.

448. The Committee is deeply concerned at the situation of child domestic workers (*restaveks*), in particular at the low age (12 years), contained in article 341 of the Labour Code, at which children can be placed with families, taking into account that, in practice, even younger children are involved...

449. The Committee recommends that the State party urgently:

(a) Repeal article 341 of the Labour Code and ensure observance of a minimum age for employment of 15 years;

(b) Take all the necessary measures to prevent and end under-age employment through a comprehensive strategy, notably by holding debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;

...

- Iceland, CRC, CRC/124 (2003) 109 at paras. 480, 481, 498 and 499.

480. Noting that in Icelandic legislation a child is defined as a person under 18 years (e.g. the 1997 Majority Act), the Committee is concerned that there are inconsistencies in this definition in other laws (e.g. child benefits are payable until age 16).

481. The Committee recommends that the State party review its legislation to ensure that age-limits in all existing legislation are consistent.

...

498. The Committee welcomes information about a newly adopted law on child pornography (2000). It further welcomes the report of a government study on the extent of child prostitution and pornography, containing various recommendations. However, the Committee is concerned at the rather low age for sexual consent (14 years), which may not provide adequate protection for children older than 14 years against sexual exploitation.

499. The Committee recommends that the State party:

...

(b) Take legislative measures to ensure that children older than 14 years are effectively protected from sexual exploitation;

...

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- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 42, 43, 83 and 84.

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

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

...

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

84. The Committee recommends that the State party:

...

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

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

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

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 111, 112, 145 and 146.

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

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

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...

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

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

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 170, 171, 211 and 212.

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

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

(a) To establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention;

(b) To increase the legal age of criminal responsibility;

(c) To review more generally its statutory legislation and customary law which set minimum ages that seem to be contradictory in various fields and may not comply with relevant provisions of the Convention.

...

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

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

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 248, 249, 271 and 272.

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

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

...

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

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

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

...

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 302, 303, 333 and 334.

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

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

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

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

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

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education have not been set.

303. The Committee recommends that the State party:

- (a) Raise the minimum age for criminal responsibility to internationally accepted standards and ensure that juvenile justice protection is accorded to all children up to the age of 18;
- (b) Raise the age of marriage and require official documentation to be presented for official matters, e.g. marriage and employment;
- (c) Raise the minimum age for employment;
- (d) Set ages for admission to and completion of compulsory primary education.

...

333. The Committee is deeply concerned that:

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

...

334. The Committee recommends that the State party:

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

...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 366, 367 and 391.

366. The Committee is concerned that:

- (a) Even though the age of criminal responsibility is formally said to be 14 years, in practice a measure of criminal responsibility is also imputable to children aged 7 to 14 years and is punishable by, inter alia, custodial sentences; in the Committee's view, this is incompatible with the Convention;
- (b) Although the age of compulsory recruitment into the armed forces is 18 years, article 1 of Mobilization Act No. 21 of 1991 allows for persons of 17 years to, among other things, engage in combat.

367. The Committee recommends that the State party:

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

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

...

391. The Committee recommends that the State party:

...

(d) Ensure that the deprivation of liberty is used only as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

(e) Ensure that persons under 18 are not tried as adults;

...

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 415, 416 and 445.

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

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

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

416. The Committee recommends that the State party:

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

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

...

445. The Committee recommends that the State party:

(a) Take further measures to assess the scope and nature of economic exploitation of children in all sectors and take the necessary measures to reduce and eliminate child labour,

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in close cooperation with ILO, including by introducing a separate legal provision prohibiting the employment of children under the age of 18 in hazardous work, i.e. work that is likely to be harmful to the child's full and holistic development;

...

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 516 and 517.

516. ...The Committee is...concerned at the fact that the legislation of the State party does not protect all children below 18 years from sexual exploitation, as various ages have been set in several acts regarding sexual exploitation...

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

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

...

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 554 and 555.

554. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not expressly incorporated in all legislation concerning children and is not always considered in practice. For example, the Committee notes that a draft bill proposes to raise the ages in article 146 of the Personal Status Code. It remains concerned that custody is determined by criteria such as age, rather than what arrangement is in the child's best interest.

555. The Committee recommends that the State party fully incorporate in legislation and practice article 3 of the Convention.

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 611, 612, 634 and 636.

611. The Committee welcomes the legislative provisions for measures designed to guarantee the right of children to express their views freely and to have those views taken into account. However, the Committee remains concerned that the age-limit set in this regard may hinder

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opportunities for children below this age to be heard, and that traditional attitudes towards children in society may limit the exercise of the rights contained in article 12 of the Convention.

612. The Committee recommends that the State party:

(a) Promote and facilitate, within the family and the school as well as in judicial and administrative procedures, listening to children and giving their views due weight, including children who are below the legal age-limit of 10 years if they are considered to be mature enough in this regard, so that children can participate in all matters affecting them, in accordance with article 12 of the Convention;

...

634. The Committee is deeply concerned by the information provided in the State party's report that the number of children with disabilities (currently 49,800) has tripled in the past 12 years, and notes that national legislation includes children only up to the age of 16 in the category of disabled children.

...

636. In light of article 23 of the Convention, the Committee recommends that the State party:

...

(b) Consider amending legislation so as to include all children below the age of 18 years into the category of disabled children;

...

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 106 and 107.

106. The Committee is encouraged by the enactment of new legislation in April 2003. The Committee welcomes crime prevention initiatives and alternatives to judicial procedures. However, the Committee is concerned at the expanded use of adult sentences for children as young as 14...

107. ...[T]he Committee urges the State party:

(a) To ensure that no person under 18 is tried as an adult, irrespective of the circumstances or the gravity of his/her offence;

...

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 132, 133, 145 and 146.

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132. The Committee notes with concern that the minimum age of criminal responsibility of 10 years is too low, that all persons under 18 in conflict with the law are not afforded special protection and that there is no minimum age of employment.

133. The Committee recommends that the State party review the age limits set by different legislation affecting children to ensure its conformity with the principles and provisions of the Convention. The Committee also specifically recommends that the State party:

(a) Raise the minimum age of criminal responsibility to an internationally acceptable level and ensure that it applies for all criminal offences;

(b) Extend the Children, Young Persons and Their Families Act of 1989 to all persons under the age of 18;

(c) Set a minimum age or minimum ages of admission to employment.

...

145. The Committee welcomes the State party's intention to reform its legislation on adoption, although it is concerned that planned amendments do not fully conform to the principles and provisions of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

146. In considering the reform of its legislation on adoption, the Committee recommends that the State party pay particular attention to article 12 and the right of children to express their views and have those views be given due weight in accordance with the age and maturity of the child. In particular, the Committee recommends that the State party:

(a) Require that children of a certain age consent to their adoption;

...

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 210, 211, 233 and 234.

210. The Committee is concerned that the State party's legislation uses age limits, instead of the best interests of the child, as criteria in determining custody in case of divorce. Such permission, in addition to implying that siblings can be separated, discriminates between the sexes and fails to acknowledge the child's right to express her/his views and have them taken into account.

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex

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and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the Convention.

...

233. The Committee is concerned that, in spite of legislation prohibiting the involvement of children in hostilities, there are reports of children being recruited, including forcibly, to participate in armed conflicts, especially in Afghanistan as well as in Jammu and Kashmir.

234. The Committee recommends that the State party:

(a) Take effective measures to ensure that children below the age of 18 years are not involved in hostilities and that children below the age of 15 years are not recruited into armed forces;

...

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 274 and 275.

274. The Committee is concerned at the practice of early marriage, which is still widespread in some provinces, and different minimum ages for marriage for boys and girls.

275. The Committee recommends that the State party amend article 3 of Ordinance 62-089 of 1 October 1962 on marriage, which allows girls to marry from the age of 14, and increase this minimum age to that of boys, and develop sensitization programmes involving community and religious leaders and society at large, including children themselves, to eliminate the practice of early marriage.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 444, 445, 458, 459, 465, 466, 481, 482, 509 and 510.

444. The Committee notes with appreciation the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention. Nevertheless, the Committee remains concerned that domestic legislation and customary law are not fully compatible with all the principles and provisions of the Convention and that laws implementing the Convention are frequently not applied, particularly in rural areas.

445. The Committee recommends that the State party take all effective measures to harmonize its domestic legislation fully with the provisions and principles of the Convention, in particular with regard to existing minimum ages of criminal responsibility and of marriage, child labour and harmful traditional practices affecting children.

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...

458. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. The Committee is also deeply concerned at the fact that the Majority Act 1875, setting the age of majority at 18 years, has no effect “on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen” (CRC/C/65/Add.22, para. 45). The Committee is particularly concerned at the very low age of criminal responsibility (7 years).

459. The Committee strongly recommends that the State party:

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

(b) Fix a minimum age for admission to employment, in line with internationally accepted standards;

(c) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country.

...

465. Despite the information that the death penalty has never been carried out against juvenile offenders in the State party, the Committee remains seriously concerned that capital punishment may be imposed for offences committed by persons from the age of 16 years and over, contrary to article 37 (a) of the Convention.

466. The Committee strongly recommends that the State party take immediate steps to ensure that the imposition of the death penalty for crimes committed by persons while under 18 is explicitly prohibited by law.

...

481. ...The Committee is...concerned that the current legislation protects children from abuse only up to the age of 14 years...

482. The Committee recommends that the State party:

...

(d) Ensure that all children below the age of 18 years are specifically protected under domestic legislation against abuse and exploitation;

...

509. The Committee acknowledges the efforts made by the State party to improve the juvenile justice system. However, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at:

(a) The minimum age of criminal responsibility (7 years), which remains far too low;

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(b) The sentencing to life imprisonment of children from the age of 7 years and to the death penalty of children from the age of 16 years;

...

510. ...[T]he Committee recommends that the State party:

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

(b) Ensure that the imposition of the death penalty, of life imprisonment without possibility of release, and of caning and whipping as sanctions for crimes committed by persons while under 18 is explicitly prohibited by law;

...

- New Zealand, CRC (Optional Protocol - Armed Conflict), CRC/C/133 (2003) 126 at paras. 592-595.

592. The Committee welcomes the amendment to the Defence Act (1990) which prohibits anyone under 18 from being liable for active service. However, it is concerned that the Defence Force Orders for Administration (15 February 2002) refer only to active service outside New Zealand and therefore implicitly allow active service inside New Zealand by soldiers below the age of 18.

593. The Committee recommends that the State party amend the Defence Force Order to expressly prohibit active service in and outside of New Zealand by soldiers under the age of 18.

594. The Committee notes that the Defence Force Orders for Administration set the minimum age of voluntary recruitment at 17 years. However, it is concerned that this age limit has not yet been specified in the Defence Act (1990) and that the Guardianship Act allows for persons under the age of 18 who are married to be recruited into the armed forces.

595. The Committee recommends that the State party amend the Defence Act and the Guardianship Act to specify a minimum age of voluntary recruitment of 17 years for all persons. The Committee further recommends that the State party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 46, 47, 101 and 103.

46. The Committee is concerned that:

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

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

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

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

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

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

...

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

...

103. The Committee recommends that the State party:

(a) Develop and implement legislation that adequately protects child victims of sexual exploitation, including trafficking, pornography and prostitution, that includes a significant increase in the minimum age of sexual consent;

...

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 135, 136, 170 and 171.

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

136. The Committee recommends that the State party:

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(a) Raise the minimum age of sexual consent;

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

...

170. While recognizing the efforts made by the State party in this domain, the Committee remains concerned at the incompatibility of the juvenile system with the provisions and principles of the Convention. It is especially concerned at the fact that the age of criminal responsibility, fixed at 10 years, is too low and that 17-years-olds are tried as adults...

171. The Committee recommends that the State party:

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

...

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 237 and 238.

237. The Committee notes with appreciation the information provided by the State party's delegation that Armenia plans to ratify International Labour Organization (ILO) Conventions No. 138, concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour following the adoption in 2004 of a new Labour Code. The Committee reiterates its concern that child labour is a problem in the State party, with an increasing number of children dropping out of school and taking up work in the informal sector, especially in agriculture...

238. The Committee recommends that the State party ensure the effective implementation of the minimum age for admission to employment, set at 16 in the Labour Code, and of other provisions prohibiting heavy and hazardous work for children under 18. Employers should be required to have and produce on request proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations... The Committee also encourages the State party to ratify ILO Conventions Nos. 138 and 182 as soon as possible.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 307 and 308.

307. The Committee welcomes the adoption of the Plan of Action of the Federal Government for the Protection of Children and Young People from Sexual Violence and

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Exploitation (January 2003), but remains concerned at the various ages retained in the Criminal Code depending on the offence committed by an adult against a child.

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

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

...

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 373 and 374.

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

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

...

374. The Committee recommends that the State party:

...

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

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 450, 451, 456 and 458.

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

451. The Committee recommends that the State party:

(a) Ensure the full implementation of the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour (System Abolition) Act, 1976 and the Employment of Manual

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Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;

...

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

...

456. The Committee notes the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 but remains concerned that no minimum age of criminal responsibility is fixed in the new Act and that the minimum age of 7 years found in the Penal Code is still in force. The Committee is further concerned that the Supreme Court has decided that the date of the commission of one offence is irrelevant for determining whether the alleged offender is a juvenile (CRC/C/93/Add.5, box 8.7)...

...

458. ...[T]he Committee recommends that the State party:

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

...

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 516 and 517.

516. The Committee is encouraged by the State party's efforts to reform its national education system and to address the key issues of participation and quality of education... The Committee is...concerned that, as education is not compulsory nor free, ages for admission to and completion of primary education have not been set.

517. ...The Committee...recommends that the State party set ages for admission to and completion of compulsory and free primary education and include human rights education as part of the curriculum.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 653-656.

653. ...[T]he Committee welcomes the adoption and implementation of the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children (1999). However, it is concerned that:

...

(e) The low minimum age of consent, which might contribute to the practice of "enjokosai",

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hampers the prosecution of sexual abuse of children.

654. The Committee recommends that the State party:

...

(e) Raise the minimum age of sexual consent.

655. While noting that the State party has undertaken a reform of the juvenile justice law since the Committee's consideration of its initial report, it is concerned that many of the reforms were not in the spirit of the principles and provisions of the Convention and international standards on juvenile justice, in particular, with regard to the minimum age of criminal responsibility, which was lowered from 16 to 14 years, and pre-trial detention, which was increased from four to eight weeks. It is concerned that an increasing number of juveniles are tried as adults and sentenced to detention, and that juveniles may be sentenced to life imprisonment...

656. The Committee recommends that the State party:

...

(d) Review the existing possibility for Family Courts to transfer a case against a child of 16 years or older to a criminal court for adults with a view to abolishing this practice;

...

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 45, 46, 89 and 90.

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.

...

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...

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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...

- Panama, CRC, CRC/C/140 (2004) 23 at paras. 114 and 115.

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.

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 221 and 222.

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...

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;

...

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 295-298.

295. ...[T]he Committee is concerned that despite a general prohibition of work for children

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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:

...

(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.

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;

...

(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;

...

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 352, 353, 368 and 370.

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

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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.

...

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.

...

370. ...[T]he 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;

...

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

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 399, 400, 440 and 441.

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

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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.

...

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)...

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

...

(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;

...

- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 476, 477, 501 and 502.

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

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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.

...

501. The Committee welcomes the existence of the Drug Prevention Unit within the Ministry of Health...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.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 567, 568, 571, 572, 575 and 576.

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...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.

...

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.

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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).

...

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... 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:

...

(b) Amend the law so that persons under 18 are not sentenced to “reform through labour”;

...

- France, CRC, CRC/C/140 (2004) 124 at paras. 595, 596, 629 and 630.

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)...

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.

...

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...[T]he age determination process allows for errors which may lead to minors not being accorded protection they are entitled to.

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630. The Committee recommends that the State party pursue its efforts in this area, and, in particular:

...

(c) To consider introducing recent methods of age determination which have proven more accurate than the method in use.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 265, 266, 307 and 308.

265. While noting that the State party defines minors as those under 18 years of age, the Committee is aware that numerous legislative acts contain differing definitions for the cut-off age for a “minor”. The Committee is concerned that:

(a) Assistance to families with children with disabilities or children with HIV/AIDS is being provided only to children under the age of 16; and

(b) Children in special institutions for psychological care are being transferred to adult psychiatric hospitals at the age of 16.

266. The Committee recommends that the State party take the necessary legal measures to ensure that all persons under 18 year of age are guaranteed by law the special protection they are entitled to under the Convention.

...

307. The long pre-trial detention periods, the harshness of the punishments given to those below 18 when found guilty (up to 15 years in prison) and the lack of alternative penalties to deprivation of liberty for those under the age of 14 are...of concern to the Committee. The Committee notes that when determining the criminal responsibility of a minor, differences exist between those under the age of 14 years and those under 16 years...

308. The Committee recommends that the State party ensures the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee encourages the State party as a matter of priority:

...

(b) To review the existing distinction regarding criminal responsibility of minors under 14 years and those under 16 years, and ensure that alternative penalties to the deprivation of liberty exist for all minors;

...

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- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 332 and 333.

332. The Committee notes that the State party's legislation sets 18 years old as the age of majority, but is concerned about the application of the Spanish laws from before 1968 with regard to the minimum legal age for criminal responsibility and marriage...

333. The Committee recommends that the State party review the age limits set by different legislation affecting children, in particular the Spanish laws from before 1968, to fully ensure that they are in conformity with the principles and provisions of the Convention...

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 441 and 442.

441. While welcoming the State party's ratification of ILO Conventions Nos. 138 and 182 in 2001, the Committee is concerned that many children below the legal age for employment work in the State party, mostly in family farms and in the informal sector, and that the work of these children is not monitored, although it is known that children are vulnerable to exploitation in employment.

442. The Committee recommends that the State party:

(a) Strengthen its efforts to prevent children under the legal age for employment from working;

...

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 456, 520 and 521.

456. The Committee welcomes the information that the State party has raised the age of majority from 16 to 18.

...

520. The Committee is concerned at the very low minimum age of criminal responsibility, which is set at 8, and at the possibility that a person under 18 years can be sentenced to life imprisonment for murder. The Committee is further concerned that persons under 18 are not separated from adults when in detention, and that other problems in the administration of juvenile justice exist in the State party, including:

(a) A juvenile (defined as a person under the age of 16 years) can be tried as an adult if charged with an adult for a homicide;

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(b) A juvenile as young as 8 can be requested to appear before the court;

(c) There are no separate facilities for persons under 18 and that they can be placed in adult prisons, which are reported to be overcrowded and in poor condition;

...

(e) Persons under 18 years of age can be sent to prison, possibly for life, for murder or treason, since, by the State party's own admission, the law does not stipulate the length of such incarceration.

521. The Committee recommends that the State party review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii), of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (see CRC/C/46). In this regard, the Committee recommends that the State party, in particular:

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

(b) Amend legislation so that juveniles are not brought before an adult court;

(c) Ensure that detained children are always separated from adults and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;...

...

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 67 and 68.

67. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan... However, the Committee is concerned at:

...

(c) The little protection provided by Swedish legislation, due in part to the subjective and incomplete definition of the child under the Penal Code concerning child pornography.

68. The Committee recommends that the State party:

...

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(c) Strengthen the legislation against possession and production of child pornography, including by prohibiting the display of child pornography on the Internet by service providers, and by revising the definition of the child in the Penal Code concerning child pornography, setting a clear objective age limit at 18 years;

...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 96, 97, 105 and 106.

96. The Committee welcomes the information that the age of marriage is now 18 years for all children and that discrimination contained in previous legislation has been removed. However, the Committee notes the lack of clarity related to the status of children between 14 and 18 years (e.g. in the areas of sexual abuse or exploitation, juvenile justice) and is concerned that children in this age group may not be accorded the special protection or the rights they are entitled to in accordance with the Convention.

97. The Committee recommends that the State party take all necessary measures to clarify the definition of the child in Albania and that existing legislation be reviewed to ensure that all children under 18 years of age receive the protection they need as provided for in the Convention.

...

105. The Committee notes the efforts made to encourage the participation of children within the family and in schools. It also notes that, according to article 356 of the Civil Procedure Code, children may give testimony in court after they have attained the age of 16 years and that the child's opinion may be sought in custody decisions, adoptions, etc. after attaining the age of 10 years or at the age of 14 in relation to citizenship cases. However, the Committee is concerned that the views of the child are not taken into consideration at all before the age of 10 years.

106. The Committee recommends that the State party continue to promote and facilitate, within the family, schools and other institutions, as well as in judicial and administrative procedures, respect for the views of children and participation in all matters affecting them, in accordance with article 12 of the Convention. 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, including those below the age of 10 years, can freely express their views, and where, in turn, these are given due weight.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 216 and 217.

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216. While the Committee notes the positive steps taken by the State party through the recent adoption of the Act of 16 June 2004, it remains concerned about:

- (a) The placement of persons under 18 in detention centres for adults, resulting in frequent contacts between both groups (even if they live in separate cells);
- (b) The fact that persons under 18 who are in conflict with the law and those having social or behavioural problems are placed in the same structures;
- (c) The fact that persons between 16 and 18 years of age may be referred to ordinary courts and judged as adults in case of crimes of particular gravity;
- (d) The placing of persons under 18 in solitary confinement...

217. ...[T]he Committee recommends that the State party, in particular:

- (a) Establish separate detention facilities for persons under 18;
...
- (c) Keep persons under 18 who are in conflict with the law separate from persons under 18 with social or behavioural problems;
- (d) Avoid, in all cases, persons under 18 being tried as adults;
...

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 257, 258, 271, 272, 275 and 276.

257. The Committee is concerned at the length of family reunification procedures and at the fact that it is restricted through the quota system and the age-limit set for children at 15 years.

258. The Committee recommends that the State party undertake all measures to ensure that family reunification procedures fully comply with article 10 of the Convention.

...

271. The Committee notes with appreciation the ratification by the State party of ILO Convention No. 138 concerning Minimum Age for Admission to Employment, but remains concerned that domestic legislation continues to permit children from the age of 12 to be involved in light work.

272. The Committee reiterates its previous recommendation (see CRC/C/15/Add.98, para. 28) that the State party amend its domestic legislation by raising this age to that set in ILO

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Convention No. 138.

...

275. The Committee is concerned about the increasing number of persons below 18 placed in detention, disproportionately affecting those of foreign origin, and that persons below 18 are not always separated from adults.

276. The Committee recommends that the State party:

(b) ...undertake the following particularly recommended measures:

...

(ii) Measures to ensure that persons below 18 held in detention are strictly separated from adult detainees, also during daytime activities;

(iii) Measures to ensure that the staff in juvenile detention centres are well trained to deal in a proper and adequate manner with the relatively high number of persons below 18 who are of foreign origin;

...

- Austria, CRC (Optional Protocol - Armed Conflict), CRC/C/146 (2005) 57 at paras. 285 and 286.

285. The Committee notes that section 9, paragraph 2, of the National Defence Act sets the minimum age of voluntary recruitment at 17 years. It also notes that according to the State party, “no systematic or comprehensive debate took place in Austria” (CRC/C/OPAC/AUT/1, para. 26) regarding a possible review of legislation to increase this age limit to 18 as “the existing legislation reflected consensus on the minimum age”.

286. The Committee recommends that the State party consider the possibility to increase the minimum age for voluntary recruitment to 18 years.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 315, 316, 362 and 363.

315. The Committee is deeply concerned about the practice of early marriages and the low minimum age for marriage (14 years), criminal liability (7 years), admission to hazardous work (14 years) and to part-time work (12 years). With regard to the age-limit for sexual consent (16 years; females only), the Committee is concerned that persons under 18 years are not allowed to have any medical counselling, including counselling on reproductive health, without parental consent. The Committee welcomes the information from the Government's delegation that efforts are being made to improve the situation.

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316. The Committee recommends that the State party continue and strengthen its efforts:

- (a) To raise the minimum age of criminal responsibility to an internationally acceptable level;
- (b) To raise the minimum age for admission to hazardous work to 18 years;
- (c) To raise the minimum legal age of marriage for both girls and boys and to undertake awareness-raising campaigns concerning the many very negative consequences resulting from early marriages in order to reduce and prevent this practice;
- (d) To regulate the possibility for children of a certain age to seek and receive legal and medical counselling without parental consent;
- (e) To make all provisions for minimum ages more consistent with the provisions and principles of the Convention.

...

362. While noting with appreciation the establishment of the Community Rehabilitation Department in 2001, the Committee reiterates its serious concern at the low minimum legal age of criminal responsibility and the large number of children in detention... With respect to domestic legislation for the administration of juvenile justice, including alternative forms of punishment, the Committee expresses its concern about the deficiencies in the implementation of the said provisions. The Committee is deeply concerned about the fact that children as young as 9 years of age can be sentenced to life imprisonment without provision for parole...

363. The Committee recommends that the State party establish a system of juvenile justice that fully integrates into its legislation, policies and practice the provisions and principles of the Convention, in particular articles 37, 39 and 40, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the Day of General Discussion on the Administration of Juvenile Justice, held by the Committee in 1995. In this regard, the State party is recommended to take measures, in particular:

...

- (b) To raise the minimum age of criminal responsibility to an internationally accepted level;
- (c) As regards life imprisonment of children without provision for parole, to urgently review its domestic legislation, particularly the provisions of the Indictable Procedures Act (chapter

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96 of the Laws of Belize) and the Court of Appeal Act (chapter 90 of the Laws of Belize), in order to bring its domestic laws into full conformity with the provisions and principles of the Convention;

(d) To 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 measure of last resort, for the shortest period of time and in appropriate conditions;

...

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 396, 397, 425 and 426.

396. The Committee is concerned that the minimum age for access to employment (14 years) is not in harmony with the age at which compulsory education ends (16 years). The Committee is also concerned at the low minimum legal age of criminal responsibility (10 years). The Committee welcomes the information provided during the dialogue that plans exist to improve the laws and regulations in this respect.

397. The Committee recommends that the State party:

(a) Raise the minimum age for admission to employment to 16 years in order to harmonize it with the age at which compulsory education ends;

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

...

425. The Committee appreciates the progress made by the State party in addressing the issue of child labour, including the adoption of the Employment Act in 2001. However, the Committee is concerned at the relatively high prevalence of child labour in the State party and the insufficient protection from hazardous forms of work involving children between 14 and 18 years of age.

426. The Committee recommends that the State party establish a definition of hazardous work, in conformity with the rules set out in ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and explicitly prohibit the employment of children between 14 and 18 years in work that is likely to harm their health, safety and morals. It further recommends that the State party take the necessary measures to improve the effectiveness of the labour inspectorate and other forms of monitoring child labour in order to ensure full compliance with the rules of the Employment Act 2001 regarding working conditions for children from 14 to 18 years of age.

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- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 457, 458, 462-465, 503 and 504.

457. The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages.

458. The Committee urges the State party to review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform with all the principles and provisions of the Convention and with internationally accepted standards, and in particular that they are gender neutral, in the best interests of the child, and ensure that they are enforced. It should also take the necessary steps to prevent and combat forced, early and temporary marriages.

...

462. The Committee regrets that in all actions or decision-making relating to children the general principle of the best interests of the child, as provided for under article 3 of the Convention, continues not to be a primary consideration, including in matters relating to family law. In particular, the Committee regrets that article 1169 of the Civil Law relating to the custody of children after divorce prevents the court from taking the best interests of the child into account. In the Committee's view, custody determined solely on the basis of a child's age is both arbitrary and discriminatory against the mother.

463. The Committee reiterates its previous recommendation that the State party review its legislation and administrative measures to ensure that article 3 is reflected therein and implemented in all actions concerning children.

464. The Committee notes the statement made by the delegation of the State party during the consideration of the second periodic report that in view of the Bill on the Establishment of Juvenile Courts currently pending before Parliament, executions of persons for having committed crimes before the age of 18 have been suspended. The Committee deplores the fact that such executions have continued since the consideration of the State party's initial report, including one such execution on the day the second report was being considered.

465. The Committee urges the State party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them into penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18,

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as required by article 37 of the Convention.

...

503. While welcoming the ratification on 8 June 2002 by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Committee remains concerned at the large number of children below the age of 15, particularly in rural areas, who are involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12.

504. The Committee recommends that the State party:

(a) Review its legislation on the minimum age of access to employment so that the minimum age of 15 applies in all situations of labour;

...

(c) Vigorously pursue enforcement of minimum-age standards, including requiring employers to have, and produce on demand, proof of age of all children working on their premises;

(d) Provide labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively at the State and local level the implementation of labour law standards and to receive and address complaints of violations;

(e) Consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and adopting accordingly explicit legislation and measures to protect children from economic exploitation through labour in the informal sector, including family enterprises, agricultural activities and as domestic labour, and that technical inspections be extended to these areas;

(f) Seek technical assistance from ILO in order to establish an IPEC programme in Iran.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 541 and 542.

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

542. The Committee recommends that the State party review its legislation and

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administrative measures to ensure that the principle of the best interests of the child is explicitly incorporated therein and that it is a primary consideration in all decisions, programmes and policies concerning children, at the national and local level, in courts, in schools and other institutions, in the family and in society at large.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 616 and 617.

616. While welcoming the abandoning of the use of a biological criterion for puberty and the age of maturity, in line with its previous recommendations (CRC/C/15/Add.95, para. 16), the Committee is concerned at the low legal minimum age for contracting marriage and that different minimum legal ages for marriage are set for girls (14) and boys (16).

617. The Committee recommends that the State party set the minimum age for marriage for girls and for boys at a higher and equal level. The State party is also advised to undertake awareness-raising campaigns and other measures to prevent early marriages.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 691, 692, 718, 719, 742 and 745.

691. While noting that the Child Rights Act provides a clear definition of the child, the Committee remains concerned at the wide variety of minimum ages that exist in the states of the State party, including unclear definitions of the child, and that many of these minimum ages are too low.

692. In order to improve the situation the Committee reiterates its recommendation ([CRC/C/15/Add.61] para. 12) that the State party should undertake all possible measures to have the Child Rights Act enacted in all states of the State party, and urges the State party to continue and strengthen its efforts to further harmonize the various minimum ages and/or definitions in its domestic legislation and set them at an internationally acceptable level.

...

718. While acknowledging that the minimum age of marriage is set federally at 18 years, the Committee notes with concern that the legislation of most states and the customary law allows for early marriages, and girls can be forced into marriage as soon as they reach puberty... 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.

719. The Committee recommends that the State party amend existing legislation to prevent early marriages. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue fully enjoying their rights as set out in the

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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.

...

742. The Committee notes with appreciation the efforts made by the State party to reform the Juvenile Justice Administration (JIA), including the establishment of a National Working Group on Juvenile Justice Administration in 2002 and the introduction of the draft National Policy on Child Justice Administration in Nigeria for discussion. However, the Committee remains gravely concerned that the juvenile justice system in the State party, in particular, the sharia court system, does not conform to international norms and standards, in particular that:

(a) Until the enactment of the Child Rights Act in all states, wide disparities remain in the minimum age of criminal responsibility, some much too low by international standards;

...

(c) Placement of persons below 18 in the same detention and prison facilities with adults;

...

(f) Persons below 18 are often tried in adult courts;

(g) Persons below 18 are often not legally represented during their trials;

...

(i) Serious overcrowding and the poor conditions of homes and juvenile centres for persons below 18 in conflict with the law, as well as prisons in which they are placed;

...

(k) Absence of assistance towards the rehabilitation and reintegration of persons below 18 following judicial proceedings; and

(l) Article 12 of the Child and Young Persons Act and article 319 (2) of the Criminal Code, as well as the sharia Penal Codes in 12 northern states which allow for imposition of death penalty on persons below 18.

...

745. ...[T]he Committee urges the State party to, in particular:

(a) Ensure that the minimum age for criminal responsibility is applicable in all 36 states forming the State party by taking measures and actions as recommended in paragraph 676 above;

(b) Guarantee that all persons below 18 have the right to appropriate legal assistance and defence and ensure speedier fair trials for them;

...

(e) Amend, as a matter of urgency, the Child and Young Persons Act and the Criminal

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Code, as well as the sharia Penal Codes to abolish death penalty as well as cruel, inhuman and degrading treatment on juvenile offenders, and in the meantime take measures, as a matter of priority, to ensure that persons under 18 are not sentenced to torture, cruel, inhuman and degrading forms of sanction such as flogging and amputation by sharia courts;

(f) Introduce, as a matter of priority, training programmes on relevant international standards for all professionals involved in the system of juvenile justice and establish special units within the police for the handling of cases of persons below 18 in conflict with the law;

...

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 50, 51, 97 and 98.

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.

...

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...;

...

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:

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(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;

...

(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;

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 127, 130, 165, 166, 188, 190, 193 and 194.

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.

...

130. The Committee...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.

...

165. The Committee notes with appreciation the State party's efforts to promote adolescent health, including through implementation of the Reproductive Health Programme and a joint project on adolescent health in collaboration with the Population Commission and UNFPA... The lack of legislation establishing a minimum age for purchasing and consuming alcohol gives cause for concern...

166. The Committee recommends to the State party that it:

...

(d) Establish by law the minimum age for purchasing and consuming alcohol;

...

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188. The Committee expresses its grave concern about the sexual exploitation of children, including growing child prostitution, and the reported cases of child pornography in the State party... Furthermore, the Committee notes with concern that the minimum age of sexual consent is not clearly enough established in the State party's domestic legislation and that the Revised Penal Code (Republic Act No. 3815) imposes maximum penalties for sexual offences when the victim is under 12 years of age but imposes lower penalties for sexual offences against minors over 12 years of age.

...

190. The Committee urges the State party to:

(a) Review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection, *inter alia*, by including in the law equal sanctions to all perpetrators of sexual offences against children;

(b) Set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law;

...

193. ...[T]he Committee is concerned about the very low minimum age of criminal responsibility (9 years). Referring to the provisions on youth detention homes of the Child and Youth Welfare Code and the Rules and Regulations on the Apprehension, Investigation, Prosecution and Rehabilitation of Youth Offenders (Presidential Decree No. 603), the Committee is concerned about the inadequate implementation of these provisions and the placement of persons below 18 years of age together with adults in detention...

194. The Committee urges the State party to ensure that its legislation and practice concerning juvenile justice is in full compliance with the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113) and the Guidelines for Action on Children in the Criminal Justice System (annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In this regard, the Committee recommends to the State party in particular that it:

(a) Adopt, as a matter of urgency, a proposed bill on Comprehensive Juvenile Justice System and Delinquency Prevention Programme and raise the minimum age of criminal responsibility to an internationally acceptable level;

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(b) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest possible time and in appropriate conditions, and that persons below 18 years of age are not detained with adults;

...

(d) Ensure that persons below 18 years of age have access to legal aid and independent and effective complaints mechanisms;

...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 284, 298, 299, 322, 324, 346, 347, 378 and 380.

284. The Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention: (a) the Child Labour (Prohibition and Regularization) Act in 2000, which defines hazardous work and prohibits the employment of children under the age of 16...

...

298. The Committee also reiterates its previous concern regarding the disparities in legislation, in particular, in local, customary and religious laws, which result in uneven and discriminatory protection and promotion of children's rights.

299. The Committee recommends that the State party continue to strengthen the process of achieving compliance of its legislation, in particular, the 1992 Children's Act, with the principles and provisions of the Convention. The Committee further recommends that the State party remove the current age restriction in the Children's Act to ensure that children of all ages are able to approach the court for protection.

...

322. While noting that birth registration is mandatory by law, the Committee is concerned that despite the efforts of the State party, the low rate of birth registration remains a problem, particularly in rural areas, and has been exacerbated by the conflict which has reduced the ability of local authorities to carry out "public administration services", including birth registration. The Committee is concerned that children who have not been registered at birth are more vulnerable to abuse and exploitation, including recruitment into armed groups, as their ages cannot be established.

...

324. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth. In this regard, the Committee recommends that the State party ensure that local government authorities, which are entrusted with the task of birth registration, actively engage with the local communities to ensure that births are registered in a timely and effective manner. In this regard, the Committee urges the State party to seek assistance from, *inter alia*, UNICEF, non-governmental organizations and other members of the civil

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society.

...

346. While acknowledging that the minimum age of marriage for girls is 18 years, the Committee shares the concern of the State party that the custom of early marriage is widespread in practice, in particular within certain ethnic and religious communities, and that girls, once married, are not afforded the protection for the enjoyment of their rights as children as enshrined in the Convention, including the right to education.

347. The Committee recommends that the State party strengthen its enforcement of the existing legislation to prevent early marriage and 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 marriage. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue to fully enjoy their rights as set out in the Convention, including the right to education.

...

378. ...The Committee reiterates its concern that the minimum age of criminal responsibility is set as young as 10, and that there is no official system of age verification in place. The Committee is also concerned about conditions of detention, and that persons under 18 are in most cases not separated from adults while in detention due to lack of juvenile detention facilities...

...

380. The Committee recommends that the State party review its legislation and policies to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii), of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (General Assembly resolution 45/112), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee recommends the State party, in particular to:

(a) Ensure that detained persons below 18 years are always separated from adults, and that deprivation of liberty is used only as a last resort, for the shortest appropriate time and in appropriate conditions;

(b) Expedite the construction of separate facilities (child correction centre) and separate cells in detention facilities for persons below 18 to ensure that they exist in all districts;

...

(d) Ensure that persons under 18 years are not held accountable, detained or prosecuted under anti-terrorism laws;

(e) Review, and where necessary amend, all (judicial, legal and protection) procedures,

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including those of District Administrative Offices, so as to ensure that all persons under 18 years who are alleged as, or been accused of, breaking the law are fully guaranteed the right to a fair trial provided for by article 40 (2) of the Convention;

...

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 524 and 525.

524. The Committee welcomes a comprehensive law reform in the State party, including various legislative measures taken to strengthen the protection of children's rights. Notwithstanding the positive steps taken by the State party in the field of domestic legislation, the Committee is concerned at the insufficient number of implementation measures, which tend to form a gap between law and practice. In addition, the Committee is concerned about some contradictory provisions of the domestic laws leaving children without adequate protection, e.g. the compulsory school age is 17, whereas the labour law allows children aged 14 and 15 years old to work 30 hours per week.

525. The Committee recommends that the State party take all necessary measures, including the provision of adequate financial and human resources, for the effective implementation of its domestic legislation, including recently adopted laws. It also recommends that the State party review its domestic laws in order to identify possible gaps in the protection of children.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at para. 646.

646. The Committee encourages the State party to:

...

(d) Consider expanding the years of compulsory education with a view to eliminating the existing gap between the legal age for access to work and for compulsory education;

...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 760, 761, 795 and 796.

760. The Committee is concerned about the legislative inconsistency concerning the definition of a child and in particular the difference between age of majority, 18 years, and age of maturity, 15. The Committee is further concerned at the minimum age for marriage for girls, 15, and that some may even get married earlier, as young as 12, due to the lack of law enforcement.

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761. The Committee recommends that the State party ensure that all persons below 18 years of age receive the same protection under the Convention. The Committee further recommends that the State party take the necessary measures to prevent marriages at a very young age and increase the legal age of marriage to an internationally acceptable level.

...

795. The Committee notes the various measures adopted by the State party in order to address the problem of child labour, including the establishment of a child labour unit within the Ministry of Social Affairs and Labour and the appointment of a national coordinator for the International Labour Organization International Programme on the Elimination of Child Labour (IPEC). However, the Committee remains deeply concerned about:

(a) The high prevalence of child labour and the fact that the phenomenon is widely accepted in society...

...

796. The Committee recommends that the State party:

...

(b) Ensure the effective implementation of the ILO Convention No. 138 (1973) concerning the minimum age for admission to employment as well as the ILO Convention No. 182 (1999), in particular by taking measures to ensure that no child under 18 is involved in hazardous work, establishing clear regulations for light work for children under 15, and ensuring proper registration of employees of all working children in line with the suggestions by the ILO Committee of Experts;

...