

CHILDREN'S RIGHTS - CHILD WELFARE AND INSTITUTIONS

III. CONCLUDING OBSERVATIONS

ICCPR

- Argentina, ICCPR, A/50/40 vol. I (1995) 35 at para. 159.

The State party should continue to investigate the whereabouts of disappeared persons, to complete urgently investigations into the allegations of illegal adoption of children of disappeared persons, and to take appropriate action.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 104 and 115.

Paragraph 104

The requirement for persons who adopt a child abroad under the regime of simple adoption to submit an application for full adoption in Switzerland if they wish the adoption to be recognized in Switzerland is of concern. That procedure makes permanent adoption subject to a two-year trial period, during which the adoptive parents may decide not to go ahead with the adoption and the child is entitled only to a temporary and renewable foreigner's residence permit. This is of concern because these two factors make the child's position very precarious from both legal and emotional standpoints.

Paragraph 115

The necessary legislative measures should be taken to ensure that children who have been adopted abroad are granted, as soon as they arrive in Switzerland, either Swiss nationality if the parents are Swiss, or a temporary or permanent residence permit if the parents have such a permit, and that the two-year trial period prior to the granting of adoption should not apply to them.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(5).

Recent developments in which some of those responsible for the most serious violations of human rights, including forced disappearances, torture and removal of children from their parents for purposes of illegal adoption or trafficking, are being brought to trial, are welcomed. The establishment of a mechanism, without time restriction on its activities, to restore the identities of children who were forcibly removed from their families is particularly welcomed.

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ICESCR

- Ukraine, ICESCR, E/1996/22 (1995) 50 at paras. 268 and 275.

Paragraph 268

It is recalled that fulfilment of the right to education involves an obligation for the Government to provide free primary education for all, including children with disabilities and children assigned to homes or institutions.

Paragraph 275

The Government should continue to make full use of international assistance in the collection and analysis of data in general, including data regarding the most vulnerable groups of persons, and in addressing their needs. Such categories of persons include pensioners, the unemployed, children with disabilities and children assigned to homes or institutions, members of repatriated minority groups and victims of the Chernobyl accident.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at paras. 296 and 308.

Paragraph 296

Concern is expressed about the condition of many children in the care of the Government, directly or indirectly, in spite of extensive legislative provisions on this subject. The significant reduction in the number of children's homes with increased resort to placement in foster homes is noted. The result of this change is reported to be an increasing incidence of child abuse in foster homes.

Paragraph 308

The State party should reconsider its policy and procedures for placing large numbers of children in foster homes in light of the reported increase of abuse of children as a result of that policy, and should examine the feasibility of greater use of effectively supervised children's homes if this would be in the best interests of the child.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at para. 339.

The need for effective control over inter-State adoption of children is stressed. In the absence of such controls, foreign adoption may subject children to various types of exploitation, including sexual exploitation.

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- Iceland, ICESCR, E/2000/22 (1999) 26 at para. 81.

The lack of family solidarity and the increasing use of foster homes are matters of concern. Children who leave their nuclear families and have to be brought up in temporary or permanent foster homes may give rise to problems of custody, homelessness and delinquency. It also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 494 and 511.

Paragraph 494

The large number of children, especially newborns and children with disabilities, who are abandoned or are otherwise deprived of a family environment is of concern, and the absence of an effective strategy to address this phenomenon is regretted.

Paragraph 511

The State party is urged to take effective measures, including the development of strategies and awareness-raising activities, aimed at reducing and preventing the abandonment of children. In particular, the State party should promote, through counselling and community-based programmes, the family as the best environment for the child and assist parents to keep their children at home. Moreover, effective measures should be taken to increase and strengthen family-based alternative care, so that children are placed in institutions only as a last resort.

CRC

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 43.

The State party should undertake to ensure that adequate protection is afforded to economically and socially disadvantaged children in conflict with the law and that alternatives to institutional care are available, as provided for under article 40, paragraphs 3 and 4, of the Convention.

- Sweden, CRC, CRC/C/16 (1993) 16 at paras. 57 and 58.

Paragraph 57

In regard to children in conflict with the law, further consideration should be given to ensuring that children in detention are separated from adults, taking into account the best interests of the child and alternatives to institutional care. In this connection, those countries where arrangements for liaison between juveniles and the police force have been established should be studied. Consideration should also be given to providing alternatives to the incarceration of children under the Aliens Act and a

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public defence counsel should be appointed for children in conflict with the law.

Paragraph 58

Steps should be taken to monitor more closely the situation of foreign children placed in adoptive families in Sweden. The importance of monitoring the situation of foreign children and other vulnerable groups is emphasized, and to this end, the State party's next report should include fuller statistical and other indicators for these groups, including the incidence of HIV infection and AIDS. Recognizing that the ratification of other international human rights instruments has a favourable influence on the promotion of the rights of the child, the State party might consider ratifying the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

- Russian Federation, CRC, CRC/C/16 (1993) 21 at paras. 78, 79 and 87.

Paragraph 78

The serious problems of family life in the Russian Federation are considered to be an area of priority concern. Of particular concern is the tendency towards the breakdown of family culture as regards abandoned children, abortion, the divorce rate, the number of adoptions, the number of children born out of wedlock and recovery of maintenance obligations.

Paragraph 79

The practice of the institutionalization in boarding schools of children who are deprived of a family environment, particularly in cases of abandonment or where children are orphaned, is of concern.

Paragraph 87

Alternatives to institutionalization in boarding schools, such as foster care, should be actively sought. Further training of personnel in all institutions such as social, legal or educational workers is recommended. An important part of such training should be to emphasize the promotion and protection of the child's sense of dignity and the issue of child neglect and maltreatment. Mechanisms to evaluate the ongoing training of personnel dealing with children are also required.

- Egypt, CRC, CRC/C/16 (1993) 24 at para. 100.

The situation of children in conflict with the law and, in particular, of children serving custodial sentences in social care institutions, is of concern. Concern is expressed, in general, as to the compatibility with articles 37 and 40 of the Convention of the juvenile justice institutions and the administration of justice system insofar as it relates to juvenile justice.

- Peru, CRC, CRC/C/20 (1993) 16 at para. 65.

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The extent of violence within the family; the high number of abandoned and institutionalized children due to widespread family problems; and the fact that the Code on Children and Adolescents is not completely in conformity with the relevant provisions of the Convention on the Rights of the Child and relevant Conventions of the International Labour Organisation, especially with regard to minimum ages for admission to employment, are of concern.

- Costa Rica, CRC, CRC/C/20 (1993) 25 at para. 135.

The best interests of the child must be the guiding principle in the application of the Convention, especially with regard to labour legislation and adoption. In the framework of the adoption process, due consideration should be given to the provisions of article 12 as regards respect for the views of the child.

- Mexico, CRC, CRC/C/24 (1994) 12 at para. 43.

In the framework of the adoption process, due consideration should be given to the provisions of article 12 of the Convention. Furthermore, intercountry adoption should be considered in the light of article 21, namely as a measure of last resort.

- Romania, CRC, CRC/C/24 (1994) 21 at paras. 100 and 101.

Paragraph 100

The legislation on adoption should be further amended and enforced to effectively prevent, in particular, intercountry adoptions in violation of the spirit and letter of the Convention on the Rights of the Child and taking into account the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, namely in view of the statement made by the delegation of the Government of Romania as to its intention to ratify this Convention.

Paragraph 101

Further efforts are recommended to create a better understanding among the public about the situation of children with disabilities. The promotion of their rights should be further advanced through, for instance, support to parents' organizations and a sustained programme for moving children from institutions to a good family environment.

- Belarus, CRC, CRC/C/24 (1994) 24 at paras. 113 and 118.

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Paragraph 113

The continuation of the practice of the institutionalization of children, in spite of the policy adopted to the contrary, and the number of inter-country adoptions which, though still comparatively low, is on the increase, are matters of concern.

Paragraph 118

It is hoped that the State party will become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, as well as the 1980 Convention on the Civil Aspects of International Child Abduction.

- Philippines, CRC, CRC/C/38 (1995) 12 at para. 66.

The State party should envisage ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993.

See also:

- Bulgaria, CRC, CRC/C/62 (1997) 7 at para. 55.
- Cuba, CRC, CRC/C/66 (1997) 9 at para. 57.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 221.

It is of concern that children placed in care under the social welfare system may be held in training schools in Northern Ireland and may be placed in the future in Secure Training Centres in England and Wales.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 45.

The inadequacy of measures taken to ensure that the conditions in institutions caring for children are regularly monitored and supervised is of concern. Equally, the insufficiency of measures taken in relation to adoption, particularly inter-country adoption, and with respect to combating trafficking in children remains of concern.

- Canada, CRC, CRC/C/43 (1995) 16 at para. 82.

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Further measures seem to be needed to effectively prevent and combat all forms of corporal punishment and ill-treatment of children in schools or in institutions where children may be placed. The existence of child abuse and violence within the family and the insufficient protection afforded by the existing legislation in that regard are also matters of concern.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at para. 168.

To combat institutionalization and the abandonment of children born out of wedlock, an adequate alternative family care system that responds to the national culture and customs should be established. The authorities are encouraged to give full support to mothers of children born out of wedlock wishing to keep their child.

- Italy, CRC, CRC/C/46 (1995) 11 at para. 41.

Comprehensive measures should be provided for responsible parenthood and for support to needy families, in order to assist them in their child-rearing responsibilities, thus limiting family disruption, reducing the numbers of institutionalized children and limiting the recourse to institutionalization to a measure of last resort.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 57, 59, 60 and 72-74.

Paragraph 57

The high rate of abandonment of children, especially newborn babies, and the lack of a comprehensive strategy to assist vulnerable families is worrisome. This situation can lead to illegal inter-country adoption or other forms of trafficking and sale of children. In this context, the absence of any law prohibiting the sale and trafficking of children, and the fact that the right of the child to have his/her identity preserved is not guaranteed by the law, are also of concern.

Paragraph 59

The absence of a programme involving social work is of concern. In particular, concern is expressed at the situation of the institutionalization as well as the treatment and protection of handicapped children. Alternatives to institutionalization are not sufficiently taken into account and support services to parents who keep their handicapped child at home are inadequate.

Paragraph 60

Appropriate measures have not yet been taken to effectively prevent and combat ill-treatment of children in schools or in institutions where children may be placed. The large scale existence of child

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abuse and violence within the family and the insufficient protection afforded by the existing legislation and services in that regard are matters of concern.

Paragraph 72

In view of the high rate of abandonment of children and of abortion, a strategy and policy to assist vulnerable families in the support of their children should be adopted. The adequacy of the current social security system and of the family planning programmes should be evaluated. The training of social workers with the aim of mobilizing and strengthening communities is recommended.

Paragraph 73

It is encouraged that the situation of children in institutions be addressed, with a view to envisaging and making available possible alternatives to institutional care through, for example, guidance and counselling, foster care and education and vocational training programmes. The establishment of effective monitoring mechanisms of the realization of the rights of the child placed in an institution is also recommended.

Paragraph 74

The sale and trafficking of children should be clearly prohibited and the right of the child to have his/her identity preserved should be fully ensured. Ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption should also be considered.

- Germany, CRC, CRC/C/46 (1995) 15 at para. 107.

Consideration should be given to extending and broadening the involvement of children in decisions affecting them in the family and in social life, including in proceedings relating to family reunification and adoption.

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 62, 72 and 73.

Paragraph 62

The Committee is worried by the absence of legislation regulating international adoptions.

Paragraph 72

In the framework of its legal reform, the Government should fully take into account the provisions of the Convention on the Rights of the Child, especially its general principles (arts. 2, 3, 6 and 12).

Paragraph 73

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The State party should, as soon as possible, draft and adopt legislation to regulate intercountry adoption.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 94, 98 and 113.

Paragraph 94

The seeming overemphasis on the resort to and use of institutional care for children in need of assistance is a concern. This form of alternative care may not necessarily be the most effective, as it is reported that the assistance provided may not be of consistent quality and insufficient attention is given to preparing children for their eventual return to their family or their integration into the community.

Paragraph 98

The attention of the State party is drawn to the constraints that are reported to be hampering the reunification of unaccompanied refugee children with their families and to the extent to which the rights of these children, most of whom are living in institutions, are being guaranteed and protected.

Paragraph 113

Greater attention should be paid to the development and use of alternative forms of care such as foster care and adoption to reduce the recourse to institutional care for children in difficult situations.

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 129.

The establishment of the Government Agency for Child Protection is welcomed. Its functions, as a centralized authority providing the Child Welfare Committees with improved support, preparing training programmes for members of the Child Welfare Committees, or informing foster-parents and preparing them to assume their tasks, are of great importance for a better implementation of the rights enshrined in the Convention.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 157, 161, 164 and 171.

Paragraph 157

The reservations made by the State party to article 9, paragraph 3, article 21, paragraph (a) and article 40, paragraph 2 (b)(v) raise questions about their compatibility with the principles and provisions of the Convention, including the principles of the best interests of the child and respect for the views of the child.

Paragraph 161

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Concern is expressed that the basic principles of the Convention, in particular the provisions of articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes. Insufficient measures have been adopted to create awareness of these basic values of the Convention with a view to changing the prevailing consideration and treatment of the child simply "as a mini-adult or immature adult", as recognized in the report.

Paragraph 164

The insufficient measures taken to ensure that adoption is authorized by the competent authorities, on the basis of all pertinent and reliable information and of the informed consent of all persons concerned, including the child, as well as the high rate of inter-country adoption, are of concern.

Paragraph 171

The Government should pursue its efforts to ensure full compliance of its national legislation with the provisions and principles of the Convention, including non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12). In the field of national and inter-country adoption, the State party is encouraged to undertake comprehensive legal reform to ensure full compatibility with the principles and provisions of the Convention, and should consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 197 and 206.

Paragraph 197

That a number of unaccompanied children who have lost contact with their families are in institutions or in foster care is a concern. That some foster homes might accept responsibility for the care of children solely for the economic compensation provided to them is a further concern. The consequences for the children living under such conditions are not conducive to their sound development.

Paragraph 206

The system of foster-care should be carefully monitored in order to eliminate any possible acts of abuse against the children placed in such care.

- Finland, CRC, CRC/C/50 (1996) 35 at para. 236.

The State party should take all appropriate measures to prevent mentally-ill children being institutionalized in the same facilities as adults.

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- China, CRC, CRC/C/54 (1996) 18 at para. 122.

The situation of children provided with care in welfare institutions is an extreme concern. The very high mortality rate in such institutions is a cause for serious alarm. While the separation of children from adults in institutions and the training of staff is appreciated, deep concern remains about the inadequate measures adopted to ensure qualitative care to children as required by article 3, paragraph 3 of the Convention.

- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 209, 211 and 228.

Paragraph 209

Deficiencies in the system of birth registration are of deep concern since the failure to register children prevents them from being recognized as persons, from having access to education and health services and from being protected against trafficking in and illegal adoption of children.

Paragraph 211

It is a concern that an illegal adoption network has been uncovered and that the mechanisms to prevent and combat such violations of children's rights are insufficient and ineffective.

Paragraph 228

Provision should be made for offering social assistance to families to help them with their child-rearing responsibilities as laid down in article 18 of the Convention as a means of reducing institutionalization of children. Further efforts are also required to ensure the active participation of disabled children in the community in conditions which ensure their dignity and promote their self-reliance, as well as to ensure that disabled children are separated from adults suffering from mental ill-health.

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 247 and 263.

Paragraph 247

Concern is expressed about the decisions taken in matters relating to adoption without fully respecting the principles of article 3 (best interests of the child).

Paragraph 263

National law and practices with regard to adoption should fully conform with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, including the principle of the best interests of the child.

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- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at para. 152.

Despite the recent increase in the number of social workers employed for child abuse cases, the case load of each professional may still be too high and the question of taking additional action to address such matters requires further study. The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day-care centres in the community, including as a measure to prevent children being left unattended at home. The Committee also encourages the initiative undertaken to ensure within the future reviews of the Family Life Education Programme and an assessment of its effectiveness in preventing abuse.

- Mauritius, CRC, CRC/C/57 (1996) 29 at para. 179.

The insufficient safeguards to fully protect the rights of children in the process of international adoption is of concern.

- Slovenia, CRC, CRC/C/57 (1996) 34 at para. 211.

Concern is expressed over the fact that in some specific cases the rights of children may not be fully taken into account in inter-country adoption procedures.

- Bulgaria, CRC, CRC/C/62 (1997) 7 at paras. 36, 38 and 51.

Paragraph 36

The insufficient consideration of the principle of the best interests of the child in tackling situations of detention, institutionalization and abandonment of children, as well as in relation to the right of the child to testify in court, is of concern.

Paragraph 38

The reported ill-treatment of children in the family and in institutions and the lack of adequate measures for the psycho-social recovery from such abuses are of concern.

Paragraph 51

Appropriate alternatives to institutional care should be developed, with the best interests of the child as the primary consideration, as well as the promotion of his or her harmonious development and preparation for responsible participation in society. In cases where the placement of children in institutions is necessary, measures should be adopted to ensure periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement. Consideration

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should be given to the establishment of a system of "*guardian ad litem*".

See also:

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 120.
- Cuba, CRC, CRC/C/66 (1997) 9 at para. 48.

The apparent absence of independent mechanisms for monitoring the situation of children in institutions is a matter of concern.

- Ghana, CRC, CRC/C/66 (1997) 15 at para. 92.

The inadequacy of existing laws in protecting children who are "adopted" - a situation which has led to abuses such as exploitation through domestic labour, particularly of girls, is of concern.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 142.

The inadequate measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or other particularly vulnerable children are matters of concern. The inadequate provisions in legislation and practice for alternative care for children deprived of a proper family environment are also of concern.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at paras. 282, 301 and 304.

Paragraph 282

The lack of comprehensive legislation on adoption and the fact that intercountry adoption seems not to be a measure of last resort are of concern.

Paragraph 301

Authorities should work to develop alternative measures to institutionalization, such as foster care. The right of the child to periodic review of placement should be systematically enforced.

Paragraph 304

With a view to facilitating family reunification, the authorities should set up a central agency to trace unaccompanied children. Appropriate measures should also be taken to protect the rights of orphans and abandoned children.

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See also:

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 97.
- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 60.

With a view to improving the general framework for the protection of children from all forms of abuse, neglect and exploitation, the development of a social worker's system is encouraged.

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 141.

The insufficiency of the measures taken for the physical and psychological recovery and social reintegration of children victims of war and abuse and the lack of material and financial resources and specialized personnel for alternative care institutions are matters of concern.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 173, 193 and 194.

Paragraph 173

With respect to the situation of children, especially those placed in institutions or in foster homes, who were not registered for lawful permanent residence and were thereby denied the right to citizenship, concern is expressed over the fact that children and caretakers in such situations are not sufficiently informed about the procedures for applying for citizenship.

Paragraph 193

The intended accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption is welcomed. The appropriate steps should be taken to ensure its entry into force.

Paragraph 194

Early identification programmes should be developed to prevent disabilities, alternative measures to the institutionalization of disabled children should be implemented, and awareness-raising campaigns should be envisaged to reduce discrimination against disabled children and to encourage their inclusion in society.

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- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at paras. 231 and 233.

Paragraph 231

Corporal punishment within the family, at school and in care institutions should be prohibited by law. The authorities should develop and implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child, as well as establish sensitization programmes for parents.

Paragraph 233

Efforts should be strengthened to monitor efficiently the institutions of alternative care and develop appropriate training for the staff of these institutions.

- Hungary, CRC, CRC/C/79 (1998) 7 at paras. 41, 42, 57 and 58.

Paragraph 41

Cases of ill-treatment of children in the family and in institutions as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuses, and cases of ill-treatment by law enforcement personnel in or outside detention centres are matters of deep concern.

Paragraph 42

The amendment to Act XV of 1990, which grants the parent the option of placing a child up for adoption before birth, is of concern.

Paragraph 57

All appropriate measures should be taken to prevent and combat ill-treatment of children, including physical and sexual abuse within the family, at school and in child-care institutions. Prevention campaigns, including through education, should be undertaken to protect children against abuse and maltreatment. Comprehensive studies on these issues should be initiated in order to understand them better and facilitate the elaboration of policies and programmes, including rehabilitation programmes, to combat them effectively.

Paragraph 58

Legislation and practice relating to the possibility of placing a child up for adoption before birth should be considered. Furthermore, accession to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption should be considered.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 97.

A review of the policies and programmes regarding institutional care, with a view to supporting more

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family-oriented solutions, should be considered.

- Fiji, CRC, CRC/C/79 (1998) 18 at paras. 133 and 137.

Paragraph 133

A more active approach should be taken to eliminate discrimination against certain groups, in particular the girl child, children with disabilities, children in institutional care, children living in rural areas, poor children such as those living in slums, and children born out of wedlock (ex-nuptial children).

Paragraph 137

The process of reforming legislation relating to adoption and to illicit transfer and non-return should be accelerated. Accession to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption should be considered.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 163, 164, 182, 184, 185 and 191.

Paragraph 163

The lack of necessary safeguards to ensure the best interests of the child in cases of inter-country adoption is of concern.

Paragraph 164

The number of institutionalized children and the insufficient structure established to provide alternatives to a family environment for children in need of special support, care and protection are of concern.

Paragraph 182

Additional measures, including legislative ones, should be introduced to guarantee the child's right to privacy, especially in the family, in schools, and in childcare and other institutions.

Paragraph 184

The necessary steps should be taken to ensure that the rights of the child are fully protected in cases of inter-country adoptions and ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption should be considered.

Paragraph 185

Measures should be taken to strengthen the structures established to provide alternatives to a family environment for children in need of special support, care and protection.

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Paragraph 191

A comprehensive programme should be devised and its implementation closely monitored in order to prevent violence in schools, especially with a view to eliminating corporal punishment and bullying. Corporal punishment should be prohibited by law in the family and in childcare and other institutions and awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 233.

The establishment of alternative care measures, such as *kafalah*, for children deprived of a family environment should be considered.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 255, 256, 272 and 273.

Paragraph 255

The fact that all forms of placement are not covered by legislation is of concern. Regular and independent monitoring and periodic review of placement is not systematically undertaken. The placement of children in care institutions in neighbouring countries due to lack of facilities and trained professionals is of concern.

Paragraph 256

Domestic legislation does appear to account for the implementation of appropriate measures to ensure that intercountry adoption does not result in improper financial gain for those involved in it.

Paragraph 272

Corporal punishment at home and in care institutions should be explicitly prohibited by law.

Paragraph 273

All appropriate measures, including of a legislative nature, should be taken to ensure that a child placed in any form of institution is guaranteed all his/her rights, in particular the right to periodic review of placement. A monitoring mechanism for care and other types of institutions should also be established. Particular attention should be paid to monitoring children placed in foreign institutions when specialized expertise or appropriate facilities do not exist. In this regard, a study to assess the impact of placement of children in neighbouring countries should be undertaken.

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- Iraq, CRC, CRC/C/80 (1998) 15 at paras. 66 and 81.

Paragraph 66

The State party should seek to strengthen the Child Welfare Authority by increasing its budgetary allocations, as well as its power and authority to implement the Convention.

Paragraph 81

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in the regular school system and society.

- Bolivia, CRC, CRC/C/80 (1998) 22 at paras. 110 and 117.

Paragraph 110

The necessary steps should be taken to establish alternatives to institutionalizing children (for example, foster families), especially for those living with one of their parents in penitentiary centres. Furthermore, follow-up measures should be taken and a monitoring and evaluation system should be instituted to ensure the adequate development of these groups of children.

Paragraph 117

The conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of last resort and that children are detained together with adults are matters of concern. Further measures should be taken to ensure the full compatibility of the juvenile justice system with the relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. Ratification of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is encouraged. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the State party should consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

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- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 142.

Special attention should be given to children living in institutional care, including children born out of wedlock. Alternatives to institutional care, such as foster care, should be developed and an appropriate mechanism for the systematic monitoring and review of placement in institutional care should be established.

- Thailand, CRC, CRC/C/80 (1998) 35 at paras. 173 and 177.

Paragraph 173

Efforts should be increased to provide support, including training, for parents, to discourage the abandonment of children. Additional programmes should be developed to facilitate alternative care, including foster care, to provide additional training for social and welfare workers and to establish independent complaint and monitoring mechanisms for alternative care institutions.

Paragraph 177

The lack of adequate facilities and services for persons with disabilities, including children, is of concern. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), early identification programmes should be developed to prevent disabilities, alternatives to the institutionalization of children with disabilities should be implemented, special education programmes for children with disabilities should be established and their inclusion in society should be encouraged. Technical cooperation for the training of professional staff working with and for children with disabilities should be sought. International cooperation from UNICEF and WHO can be sought to this effect.

See also:

- Belize, CRC, CRC/C/84 (1999) 12 at para. 85.

- Austria, CRC, CRC/C/84 (1999) 7 at para. 48.

Concern is expressed over the extended time-frame for the review of placement ordered by the courts for mentally ill children.

- Belize, CRC, CRC/C/84 (1999) 12 at paras. 79 and 80.

Paragraph 79

The large and increasing number of single-parent families as well as the high number of abandoned

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children, especially children born out of wedlock, children of poor families, and children whose parents have left the country in search of economic opportunities are matters of concern. In this regard, the lack of adequate alternative care facilities and qualified personnel in this field is also of concern. Efforts should be increased in providing support, including training, for parents, especially fathers, to discourage the abandonment of children. Additional programmes should be developed to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

Paragraph 80

The widespread practice of informal adoptions, especially in rural areas, is of concern. All necessary measures, including the implementation of proper monitoring procedures, should be taken to prevent the abuse of the practice of informal adoption. In this regard, accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 should be considered.

- Guinea, CRC, CRC/C/84 (1999) 21 at paras. 111 and 118.

Paragraph 111

The insufficient number of alternative care centres and the lack of support to the existing ones supported by non-governmental-organizations are of concern. The low quality of living conditions in the existing care centres for children, the lack of adequate monitoring of placement conditions, and the conditions of children living in an informal type of placement whose situation is not periodically reviewed are also of concern. All appropriate measures should be taken to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions. The conditions of children living in an informal type of placement should be systematically reviewed.

Paragraph 118

In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), early identification programmes should be developed to prevent disabilities, alternative measures to the institutionalization of children with disabilities should be implemented, awareness-raising campaigns to reduce discrimination should be envisaged, special education programmes and centres should be established and the inclusion of disabled children in society should be encouraged. Technical cooperation for the training of professional staff working with and for children with disabilities should be sought.

- Yemen, CRC, CRC/C/84 (1999) 33 at paras. 173 and 177.

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Paragraph 173

The insufficient number of care centres for abandoned boys and the absence of facilities for abandoned girls remains of concern. All available measures should be taken to establish alternative care centres for abandoned girls and/or establish alternatives to institutionalizing children (for example, foster families, adoption, *kafalah*). Furthermore, follow-up measures should be undertaken and a monitoring and evaluation system should be instituted in order to ensure the adequate development of this group of children.

Paragraph 177

The high rate of children with disabilities and the lack of infrastructure, limited qualified staff, and specialized care and rehabilitation facilities to address needs of such children are of concern. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), it is recommended that early identification programmes to prevent disabilities be developed, alternative measures to the institutionalization of children with disabilities be implemented, awareness-raising campaigns to reduce discrimination against them be envisaged, special education programmes and centres be established, and their inclusion in society be encouraged.

- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 46, 51 and 56.

Paragraph 46

The growing gender bias faced by boys as shown in, among other areas, academic underachievement by boys and difficulties in placing boys for adoption, is of concern. At the same time the rate of girls who attempt or commit suicide is particularly high. Efforts should be increased to address discrimination arising from the inappropriate socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

Paragraph 51

Efforts to provide permanence and stability for children in care may on occasion lead to a premature decision that family reunification is no longer possible. Efforts to strengthen the foster care system in those instances where efforts to provide support to families prove insufficient should continue to be taken.

Paragraph 56

The insufficient number of child care centres is not enough to serve all children concerned and is of concern. Efforts to provide sufficient numbers of child care services and to consider the possibility of setting up child care facilities at the workplace for public employees, thus facilitating breast-feeding practices, should be continued.

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- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at paras. 84 and 88.

Paragraph 84

A study should be undertaken to assess the situation of boys within the family environment and their susceptibility to placement in alternative and/or foster care. Additional training, including in children's rights, for social and welfare workers as well as the establishment of an independent complaints mechanism for children in alternative care institutions is recommended.

Paragraph 88

In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities," the State party should develop early identification programmes to prevent disabilities, increase efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. Technical cooperation for the training of professional staff working with and for children with disabilities should be sought from UNICEF and WHO.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 123.

The lack of a governmental policy and programmes for children with disabilities and the lack of governmental monitoring of private institutions for these children are matters of concern. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted on its day of general discussion on "Children with Disabilities," early identification programmes should be developed to prevent disabilities, alternative measures to the institutionalization of children with disabilities should be implemented, awareness-raising campaigns to reduce discrimination against them should be envisaged, special education programmes and centres should be established as needed, their inclusion in the educational system and in society should be encouraged, and adequate monitoring of private institutions for children with disabilities should be established.

See also:

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 232.
 - Peru, CRC, CRC/C/87 (2000) 64 at para. 376.
 - Malta, CRC, CRC/C/97 (2000) 75 at para. 435.
 - Colombia, CRC, CRC/C/100 (2000) 64 at paras. 372 and 373.
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- Benin, CRC, CRC/C/87 (1999) 35 at paras. 141, 152 and 153.

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Paragraph 141

While noting the recent introduction of a special telephone hotline for children to deal with complaints of violations of their rights and to provide remedies for such violations, efforts have not been made to include social workers and NGOs in the telephone hotline service and to ensure adequate training for all officers currently assigned to field calls for the telephone hotline service. Efforts should be made to introduce an awareness-raising campaign to facilitate the effective use of the hotline and to ensure its accessibility to all children.

Paragraph 152

The insufficient number of alternative care facilities for children deprived of a family environment and the lack of support for existing ones are of concern. The increasing incidence of abandonment is also a matter of concern. Additional programmes should be developed to facilitate alternative care, including foster care, to provide additional training for social and welfare workers, and to establish independent complaint and monitoring mechanisms for alternative care institutions.

Paragraph 153

The absence of legislation, policies and institutions to regulate intercountry adoptions, the lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of informal adoptions are matters of concern. Proper monitoring procedures with respect to both domestic and intercountry adoptions should be introduced, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children in this regard. All necessary measures, including legal and administrative ones, should be taken to regulate intercountry adoptions. Furthermore, accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 should be considered.

See also:

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 439.

- Chad, CRC, CRC/C/87 (1999) 45 at paras. 187 and 188.

Paragraph 187

The insufficient number of alternative care centres for children deprived of a family environment and the lack of support and supervision of the existing ones established by non-governmental organizations are matters of concern. All appropriate measures should be taken to establish alternative care centres for children deprived of a family environment, and monitoring should be set up for public and private care institutions.

Paragraph 188

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The widespread traditional customary practice of “intra-family” adoption is of concern. Legal provisions regarding domestic adoption should be strengthened.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at paras. 235 and 240.

Paragraph 235

The inadequacy of measures taken to ensure that conditions in institutions are regularly monitored and the fact that the placement of children in public and private institutions is not periodically reviewed are matters of concern. Necessary steps should continue to be taken for establishing alternative measures to institutional care of children (e.g. fostering). The monitoring and evaluation system should be reinforced to ensure the adequate development of children living in institutions.

Paragraph 240

The lack of adequate infrastructure, limited qualified staff and specialized institutions for children with disabilities are of concern. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on “Children with Disabilities” (CRC/C/69), the State party should develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres for them, encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 98-103 and 105.

Paragraph 98

The prevailing policies and practices of institutionalization, the extremely high number of children in institutions and the living conditions in these institutions are of serious concern. The periodic review of placement is not systematically guaranteed and is also of concern.

Paragraph 99

The State party should formulate a national policy on de-institutionalization, increase the use of alternative measures to the institutionalization of children and consider measures to strengthen community-oriented social services.

Paragraph 100

Effective measures to provide families where children may be at risk of neglect or abuse with support, education and counselling services, so as to prevent the occurrence of abuse and the need to remove children from parental care, are encouraged. Adoption and foster care should be used as alternatives

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to institutionalization.

Paragraph 101

The appropriate procedures should be adopted to provide for the periodic review of all types of placement. Reform, including legal reform, of the institutional system by the establishment of standards for conditions in institutions and their regular inspection, in particular by reinforcing the role and powers of independent inspection mechanisms and ensuring their right to inspect foster homes and public institutions without warning, is recommended. In this regard, technical assistance should be sought from the United Nations Children's Fund (UNICEF) and the World Health Organization.

Paragraph 102

The situation of children with disabilities, especially children with mental disabilities and children living in institutions, and particularly the current diagnostic system and practices, conditions for disabled children living in institutions, the lack of adequate professional assistance for the development, treatment and rehabilitation of children with disabilities and the slow process of inclusion of children with disabilities in mainstream education are of concern.

Paragraph 103

Efforts to improve the early diagnosis of children with physical and mental disabilities should be pursued and placement in institutions should be prevented as much as possible. Professional treatment services and the support and counselling provided to families should be strengthened to enable children to live at home and to promote social inclusion.

Paragraph 105

The insufficient guarantees to protect against the illicit transfer and trafficking of children out of the State party and the potential misuse of intercountry adoption for purposes of trafficking, *inter alia* for economic and sexual exploitation, are of concern.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at para. 154.

The insufficient efforts that have been made thus far to protect the rights of children with disabilities are of concern. The necessary resources should be allocated for programmes and facilities for children with disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The Rights of Children with Disabilities," it is recommended that early identification programmes be developed to prevent disabilities, special education programmes for children with disabilities be established, and their integration into the educational system and their inclusion in society be further encouraged. In this connection, technical cooperation for the training of persons working with and for children with disabilities should be sought from UNICEF and the

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WHO.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 183.

The necessary steps should continue to be taken to develop alternatives to institutional care of children (e.g. domestic adoption and foster care). The monitoring and evaluation system should be reinforced to ensure the adequate development of children living in institutions.

- Mali, CRC, CRC/C/90 (1999) 43 at paras. 211, 215, 216, 218 and 222.

Paragraph 211

Public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems should continue to be promoted.

Paragraph 215

The insufficient number of alternative care facilities, the lack of support for existing ones, the living conditions in alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field are of concern. Additional programmes should be developed to facilitate alternative care, additional training should be provided for social and welfare workers and independent complaint and monitoring mechanisms should be established for alternative care institutions. A clear policy with respect to foster care should be developed and measures should be introduced to ensure a standardized approach with respect to recruitment, monitoring and evaluation under existing foster care programmes.

Paragraph 216

The absence of legislation, policies and institutions to regulate intercountry adoptions is of concern. All necessary measures, including legal and administrative ones, should be taken to regulate intercountry adoptions. Accession to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption should be considered.

Paragraph 218

Appropriate measures should be taken, through legislative means, to prohibit corporal punishment in care institutions. Measures to raise awareness of the negative effects of corporal punishment and to change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity should be reinforced.

Paragraph 222

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The insufficient number of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities, is of concern. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The Rights of Children with Disabilities", the State party should develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society.

See also:

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 154.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 246-248, 257 and 260.

Paragraph 246

Concluding bilateral agreements with States that are not parties to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction should be considered.

Paragraph 247

The long waiting periods for placement in residential care are of concern. The number of places available in residential facilities should be increased, while giving increased attention to alternatives to placement in residential facilities, in particular foster family care services.

Paragraph 248

The growth in reported cases of child abuse and the level of protection available to children are matters of concern. Increased priority should be given to the prompt implementation and support of monitoring and reporting systems based on the position paper of the Ministries of Justice, and Health, Welfare and Sport concerning the prevention of child abuse and the protection and rehabilitation offered to victims of child abuse.

Paragraph 257

The delays faced by juvenile offenders in need of psychological and psychiatric treatment are of concern. Availability of places in institutions should be increased in order to provide these juvenile offenders with timely and appropriate treatment.

Paragraph 260

The possibility of providing further assistance to children at risk and the need to provide assistance to families from ethnic minorities with socioeconomic problems, thus addressing the root causes of

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poor educational performance, should be considered.

- India, CRC, CRC/C/94 (2000) 10 at paras. 74, 75 and 79.

Paragraph 74

In the light of articles 21 and 25 of the Convention, the Committee is concerned at the absence of uniform adoption law in India and effective measures to monitor and follow up placement within the State party and abroad.

Paragraph 75

The legislative framework of domestic and intercountry adoption should be reviewed. The State party should become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

Paragraph 79

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on Children with Disabilities (CRC/C/69), it is recommended that the State party increase the capacity of institutions for the rehabilitation of children with disabilities and improve access to services for such children living in rural areas. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children. The State party is encouraged to undertake greater efforts to make available the necessary resources and to seek assistance from, *inter alia*, UNICEF, WHO and relevant NGOs.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 124, 125 and 166-168.

Paragraph 124

Noting that the Ministry of Social Welfare, Gender and Children's Affairs has principal responsibility for child protection issues, concern is expressed about the extreme lack of funding and other resources available to this Ministry.

Paragraph 125

The State party is urged to secure adequate funding for the Ministry of Social Welfare, Gender and Children's Affairs to ensure the effective implementation of its child protection mandate. The mandate of this Ministry should be expanded to include coordination of the Convention's implementation. The Ministry should be provided with the necessary authority and resources to develop a cross-ministerial strategy for the protection of children's rights.

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Paragraph 166

Every effort should be made to strengthen family tracing programmes and to plan for the effective provision of alternative care for separated children, with particular focus on unaccompanied children living in the streets of main towns and making use of the extended family, foster care and other alternative family structures.

Paragraph 167

It is of concern that child nationals may be vulnerable to problems of illegal adoption, including inter-country adoption.

Paragraph 168

The State party should ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption with a view to providing additional legal protection.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 228.

Current legislation on adoption does not seem to fully comply with the requirements of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Costa Rica is a party. The State party should take further measures to reform its legislation, in accordance with the requirements of this Convention.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at paras. 264, 267, 268, 286 and 287.

Paragraph 264

The State party should develop legislation supporting foster care. The State party should strengthen community services in favour of families with economic, social or other difficulties and families caring for children with disabilities and with emotional or behavioural problems.

Paragraph 267

Concern is expressed that Centres for Social Work are currently authorized to make decisions relative to the placement of a child with one parent, without judicial review.

Paragraph 268

The State party is urged to consider the use of alternative mechanisms with regard to implementation of the Convention's provisions concerning the family environment and alternative care or to increase the resources available to the Centres for Social Work. The State party should establish a mechanism providing for judicial review of situations requiring the placement of a child with one parent.

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Paragraph 286

The absence of measures to provide for the physical and psychological recovery and reintegration of children who have been the victims of crime, and of children who have participated in judicial proceedings or who have been confined in institutions is a concern.

Paragraph 287

In the light of article 39 of the Convention, appropriate programmes should be urgently established to provide for the physical and psychological recovery and reintegration of these children and these mechanisms should be used in the administration of juvenile justice.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 318, 319, 322, 323 and 326-329.

Paragraph 318

Concern is expressed at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

Paragraph 319

It is recommended that the State party make concerted efforts at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The State party is encouraged to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within the society and particularly within the family, where needed within the framework of international cooperation.

Paragraph 322

Deep concern is expressed over the prevailing policies and practices of institutionalization in Armenia. Concern is expressed that institutionalization, quite apart from being an alternative for children deprived of their parents, is effectively a substitute for parents who do not have the means to maintain their children. Moreover, the high numbers of children in institutions and the living conditions there, are matters of concern. These institutions are inadequately organized to provide a family environment, to support family ties or to meet the individual needs of each child. Few community services are available to assist parents to resolve the problems that force them to seek admission of their children. In the light of article 25 of the Convention, the inadequate system to review placement or monitor the situation of children in institutions is a concern.

Paragraph 323

A national policy of deinstitutionalization of children should be formulated and implemented. The State party should increase and promote the use of alternatives to institutionalization, such as

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community-based programmes. In the event of the closure of institutions, consideration needs to be given to the planning and provision of substitute services for children who could be displaced by such closures. Further training of personnel in institutions is recommended. Regular periodic review of placements should be instituted. Mechanisms should be established to evaluate and monitor the conditions of institutions.

Paragraph 326

Notwithstanding protection under the Rights of the Child Act, the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family is a concern. Limited access to complaints mechanisms and the insufficiency of rehabilitation measures for such children are also matters of concern.

Paragraph 327

In the light of, *inter alia*, articles 19 and 39 of the Convention, it is recommended that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions are prohibited. Programmes for the rehabilitation and reintegration of abused children need to be strengthened and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment. The State party should launch awareness-raising campaigns on the ill-treatment of children and its negative consequences. It is recommended that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. The training of teachers, law-enforcement officials, care workers, judges and health professionals in identification, reporting and management of cases of ill-treatment is recommended.

Paragraph 328

While noting the protection afforded to children with disabilities under the 1996 Rights of the Child Act, the Committee is nevertheless concerned at the prevailing poor situation of children with disabilities, who are often institutionalized.

Paragraph 329

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on "Children with Disabilities" (see CRC/C/69), the State party is encouraged to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The State party is encouraged to undertake a comprehensive national study on the situation of children with disabilities. Awareness campaigns, which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children, and the State party is encouraged to develop special education programmes for children with disabilities.

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See also:

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 303 and 304.
- Peru, CRC, CRC/C/94 (2000) 64 at para. 374.

Concern is expressed about the insufficient alternative care available for children deprived of a family environment. The State party should continue developing alternative measures to institutional care of children, in particular by promoting foster care. It is further recommended that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions and to continue taking measures to review periodically the placement and treatment of children as enshrined in article 25 of the Convention.

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 401, 402 and 406.

Paragraph 401

That the State party has not established and implemented a code of standards for alternative care institutions for children is a concern. Concern is also expressed regarding the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions, as well as the lack of available trained personnel in this field. The State party should establish a code of standards to ensure adequate care and protection of children deprived of a family environment. The State party should provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.

Paragraph 402

The lack of monitoring with respect to both domestic and intercountry adoptions is a concern. Concern is expressed about the high number of intercountry adoptions, particularly in the light of the small size of the State party. The apparent gender bias in favour of girls in the adoption process is also a concern. In the light of article 21 of the Convention, proper monitoring procedures should be introduced with respect to both domestic and intercountry adoptions. The State party should undertake a study to assess the situation and determine the impact of intercountry adoptions and determine why girls are favoured over boys in the adoption process. Additionally, the State party is encouraged to consider the possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Paragraph 406

The situation of mental health of children is a concern. The absence of legal protection and the lack

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of adequate facilities and services for children with disabilities are also concerns. Insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities in the educational system and generally within society. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general Discussion on the Rights of Children with Disabilities (see CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. It is recommended that the State party undertake a study on the situation of mental health with a view to addressing this concern. Further, it is recommended that the State party undertake an awareness raising campaign to sensitize the public to the rights and special needs of children with disabilities as well as children with mental health concerns.

See also:

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 124 and 125.
- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 483, 484 and 496.

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 438, 441 and 454.

Paragraph 438

With respect to the situation of children deprived of a family environment, concern is expressed about the insufficient number of alternative care facilities in previously disadvantaged communities. Concern is also expressed about the insufficient monitoring of placements and the limited number of qualified personnel in this field. The inadequate monitoring and evaluation of placements in the foster care programme are noted with concern. The State party should develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children. The State party should ensure adequate periodic review of placements in the foster care programme.

Paragraph 441

While corporal punishment is prohibited by law in schools, care institutions and the juvenile justice system, concerns remain corporal punishment is still permissible within families and that it is still regularly used in some schools and care institutions as well as generally within society. Effective measures should be taken to prohibit by law corporal punishment in care institutions. The State party should reinforce measures to raise awareness on the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the

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child's dignity and in conformity with the Convention. It is also recommended that the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation.

Paragraph 454

It is noted that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. That customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups is a concern. All appropriate measures should be taken to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 110-115 and 144.

Paragraph 110

While the State party's programme of deinstitutionalization is welcomed, the high number of institutionalized children and the poor standard of living and quality of care in institutions are matters of concern.

Paragraph 111

A code of standards should be established to ensure that children deprived of a family environment receive adequate care and protection. The State party should reinforce its efforts to provide additional training, including in children's rights, for the staff of institutions; ensure the periodic review of placements in institutions; and establish an independent complaint mechanism for children in alternative care institutions. The State party is encouraged to introduce measures to guarantee and protect the human dignity of children living in institutions and to make these institutions more child friendly. The State party is also encouraged to increase the level of resources allocated for the protection and care of children deprived of a family environment. Finally, efforts should be increased to prevent institutionalization and special attention should be paid to vulnerable families by, for example, providing them with adequate support services.

Paragraph 112

While the State party has recently adopted a new law on foster care, concerns remain that insufficient resources impede the effective implementation of this new law. Concern is also expressed at the unregulated nature of the practice of kinship fostering.

Paragraph 113

The State party should: provide adequate resources, both financial and human, for effective implementation of the new law on foster care; introduce programmes to raise awareness and promote foster care; and undertake measures to regulate kinship fostering in order to ensure that the best

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interests of the children concerned are taken into account.

Paragraph 114

It is noted with concern that both domestic and intercountry adoptions are inadequately monitored. While the State party's concerns regarding adoptions and the need to keep the identity of genetic parents confidential are noted, deep concern is expressed about the fact that the law on adoption provides that the date and place of birth of an adopted child may be changed at the request of the adoptive parents.

Paragraph 115

In light of article 21 of the Convention, proper monitoring procedures should be introduced with respect to both domestic and intercountry adoptions. With reference to articles 3 and 7 of the Convention the State party should consider amending its legislation to ensure that information about the date and place of birth of adopted children and their genetic parents are preserved and, where possible, made available to these children upon request and when in their best interests. The State party is encouraged to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Paragraph 144

Concern is expressed at the increasing number of children in conflict with the law and the limited measures taken by the State party to address their concerns. The poor conditions of juvenile detention facilities, including the lack of adequate food, clothing, heating, educational opportunities and leisure activities for child detainees are matters of concern. Also of concern are the inadequate facilities for children in conflict with the law; the insufficient numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 156, 157, 179, 180 and 197.

Paragraph 156

The State party's reservation to articles 20 and 21 of the Convention is superfluous. Article 20 (3) of the Convention expressly recognizes *kafalah* of Islamic law as alternative care, and article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which in any case does not apply to the State party.

Paragraph 157

The State party should withdraw its reservation to articles 20 and 21 of the Convention, in accordance with the Vienna Declaration and Programme of Action.

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Paragraph 179

Concern is expressed that the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration in all actions concerning children, including in matters relating to family law (e.g. duration of custody under the Personal Status Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

Paragraph 180

Legislation and administrative measures should be reviewed to ensure that article 3 of the Convention is duly reflected therein.

Paragraph 197

Concern is expressed about the large numbers of children living and/or working on the streets, particularly in urban centres such as Amman, Zarqa and Irbid, who are amongst the most marginalized groups of children in Jordan. Noting that begging is an offence, concern is expressed that children who are picked up for this crime risk court proceedings, or placement in detention or orphanages.

See also:

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 204 and 205.
- Norway, CRC, CRC/C/97 (2000) 43 at paras. 243 and 244.

Paragraph 243

Concern is expressed about the increase in the numbers of children being placed outside their parental home, in particular through the informal voluntary placement procedure which might not always guarantee that the best interests of the child are observed.

Paragraph 244

The factors which lead to the need to place children outside their parental homes and the practice of informal placement itself should be analyzed, and effective measures should be taken to guarantee that the rights of children to family life and the best interests of the child are respected.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 288, 289 and 302-309.

Paragraph 288

Concern is expressed about the prevailing disparities in the enjoyment of the rights of children in

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Kyrgyzstan. In particular, the Committee is concerned with the situation of children living in institutions; in regions of the country which are lagging behind in socio-economic development; and children of rural and poor families.

Paragraph 289

All necessary measures should be taken to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The State party should prioritize and target social services for children belonging to the most vulnerable groups.

Paragraph 302

The large number of children, especially children with disabilities, who are abandoned or who are otherwise deprived of a family environment is of concern. Further, concern is expressed that foster care or other forms of family-based alternative care are not sufficiently developed and available; that as a result children are placed in institutions which, owing to a lack of resources, provide children with very low-quality housing and care; and that the location and features of institutions do not facilitate family contact. The absence of effective mechanisms for children to communicate their concerns and complaints about their placement is a concern. In light of article 25 of the Convention, concern is expressed at the inadequate system to review placement, monitoring, or follow-up of the situation of children in institutions.

Paragraph 303

All effective measures should be taken, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, the family should be promoted as the best environment for the child through counselling and community-based programmes to assist parents to keep children at home. Moreover, the State party should take all effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a last resort. The State party should undertake a comprehensive review of conditions in institutions; take all necessary measures to improve infrastructure; and ensure that children living in institutions enjoy all the rights laid down in the Convention, in accordance with article 2. Existing policies and practices should be reviewed to ensure that children in institutions can maintain links with their families. The State party should provide support and training for personnel in institutions, including social workers. Effective mechanisms should be established to receive and address complaints from children in care, monitor standards of care, and establish regular periodic review of placement.

Paragraph 304

Noting the increase in national adoption and long-term foster placements, concern is expressed about the absence of national standards, particularly in relation to foster and adoptive family screening. Moreover, concern is expressed about the absence of mechanisms to review, monitor and follow up adoptions, and of statistics on foster care and adoption. The practice of secret adoptions is a concern.

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Paragraph 305

The State party should establish a comprehensive national policy and guidelines governing foster care and adoption, including screening, as well as a central monitoring mechanism in this regard. The State party should ensure that adopted children who have reached the age of majority have the right of access to the identity of their biological parents, in accordance with Kyrgyz custom. When the State party envisages lifting its suspension on intercountry adoptions, it should accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Paragraph 306

It is of concern that ill-treatment of children takes place in the family, institutions and schools.

Paragraph 307

In light of articles 19 and 39 of the Convention, it should be ensured that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions, are prohibited. These measures should be accompanied by public education campaigns about the negative consequences of ill-treatment of children. Positive, non-violent forms of discipline should be promoted as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings.

Paragraph 308

The prevailing poor situation of children with disabilities is a concern. In particular, concern is expressed about the practice of institutionalizing children with disabilities, and about the fact that access to services such as rehabilitation and education are limited and severely strained.

Paragraph 309

Greater efforts should be made to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes and reunification of children with their parents. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children.

See also:

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras 287, 288, 297 and 298.
- Egypt, CRC, CRC/C/103 (2001) 36 at para. 233.

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- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 340, 367-371 and 379.

Paragraph 340

Existing laws should be reviewed with a view to bringing them into line with the provisions of the Convention, in particular with general principles (arts. 2, 3, 6 and 12). Special attention needs to be paid to the areas of birth registration, family and alternative care, and juvenile justice.

Paragraph 367

Concern is expressed that children tend to be placed in child welfare centres or children's homes rather than in foster care or adopted; at the lack of regulations for the operation of such centres; and at the increasing number of orphans owing to the HIV/AIDS epidemic and the limited measures available to cope with this situation.

Paragraph 368

Effective measures should be undertaken to promote, through counselling and community-based programmes, the family as the best environment for the child and to empower parents to take care of their children in order to avoid placement in child welfare centres.

Paragraph 369

Policies and regulations regarding children's institutions and other forms of alternative care should be developed. Social services need to be strengthened and expanded to cover a larger number of children, in particular children orphaned by the HIV/AIDS epidemic, and alternative forms of care, such as foster families, need to be developed. Sufficient financial and human resources should be allocated for these purposes.

Paragraph 370

While noting the State party's efforts in drafting a new intercountry adoption law that accords with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, concerns remain that the existing legislation on domestic adoption is not in accordance with the Convention and that existing adoption procedures are usually not respected and are reported to be marked by corruption and abuse. Concern is also expressed at the prevalence of illegal informal adoption.

Paragraph 371

The State party is encouraged to continue with the process of enacting its legislation on intercountry adoption and to undertake legislative reform of the existing legislation on domestic adoption. In this regard, the State party is encouraged to sign the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Paragraph 379

In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

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(General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), it is recommended that the State party work in close collaboration with and support the activities of NGOs working in this field in order to develop early identification programmes to prevent disabilities; implement alternative measures to the institutionalization of children with disabilities; plan and carry out awareness-raising campaigns to reduce discrimination; establish special education programmes and centres and encourage the inclusion of disabled children in the educational system and in society; and establish adequate monitoring of private institutions for children with disabilities. The State party should seek technical cooperation for the training of professional staff working with and for children with disabilities.

See also:

- India, CRC, CRC/C/94 (2000) 10 at paras. 76 and 77.
- Malta, CRC, CRC/C/97 (2000) 75 at paras. 428 and 429.

Paragraph 428

Although the draft Children Act includes reforms to strengthen the current procedures governing adoption and foster care, concern is expressed about the lack of compatibility of the existing procedures for intercountry adoption with the principles and provisions of the Convention. Concern is also expressed about children's long stay in residential care (children's institutions) and about the limited alternative care measures for children deprived of a family environment.

Paragraph 429

It is noted that the State party is considering accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The State party is encouraged to do so. The State party should bring its legislation on domestic and intercountry adoption in to line with the principles and provisions of the Convention. Furthermore, it is recommended that the State party continue with its plans to develop and promote alternative care measures for children deprived of a family environment (e.g. adoption and foster care).

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 477, 478, 485, 486, 489 and 490.

Paragraph 477

While it is noted that the views of children over 12 may be heard in cases of adoption and that a bill has been prepared to apply the same rule in cases of custody and visitation after divorce, concern is expressed about the limited scope of the bill. The full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which consider children who

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express their views and opinions as “impudent” and “impertinent”.

Paragraph 478

The State party should review and expand the scope of the bill providing for the opinion of children to be heard in custody and visitation rights cases; develop a systematic approach to increasing public awareness of the participatory rights of children; and encourage respect for the views of the child within the family, communities, schools, and in the care, administrative and judicial systems.

Paragraph 485

It is noted that the State party has instituted a foster care programme. Concern is expressed about the insufficient monitoring and follow-up of placements in the programme and about the widespread use of the programme as a “first step” in the intercountry adoption process rather than as a domestic fostering programme. Concern is also expressed at the unregulated nature of the practice of the “*kweekjes* system” which allows parents facing economic difficulties to give up their children to another family or person who may be in a better financial situation to care for the child.

Paragraph 486

The State party should take measures to ensure the effective monitoring and follow-up of placements in the foster care programme; introduce programmes to raise awareness and promote foster care; and take measures to regulate the “*kweekjes* system” in order to ensure that the best interests of the children concerned are taken into account. Additionally, the State party is encouraged to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Paragraph 489

While it is noted that corporal punishment is prohibited in schools, concern is expressed that it continues to be used in schools, families and care institutions.

Paragraph 490

Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The State party is encouraged to intensify its public-awareness campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

See also:

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 118 and 119.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 542-547.

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Paragraph 542

The impact of gender discrimination on the sharing of parental responsibility and the impact on children of the continuing practice of polygamy are matters of concern. Concern is also expressed about the lack of detailed information regarding cases of children separated from their parents against their will when necessary for the best interests of the child and respecting the legal guarantees set by the provisions of article 9 of the Convention.

Paragraph 543

The State party is encouraged to review its legislation, programmes and policies so as to promote the equal sharing of parental responsibility, discourage the practice of polygamy, and ensure adequate protection of children from abuse and neglect even when it may involve the need to separate children from their parents against their will.

Paragraph 544

The insufficient number of alternative care facilities and the limited capacity of existing institutions is of concern. Concern is also expressed about the fact that refugee children may be denied access to such facilities.

Paragraph 545

The State party should make every effort to provide special protection and assistance for children deprived of a family environment, in accordance with the provisions of article 20 of the Convention, including through the development of a foster care system as well as by providing additional places in existing institutions. An appropriate inspection mechanism should be established to monitor the placement of children in institutions or in alternative care. It is recommended that the State party increase its efforts to provide support for families and single parents to discourage the abandonment of children.

Paragraph 546

Concerns remain about the lack of detailed information concerning the procedures and safeguards provided for international adoptions, in particular of very young children abandoned by their parents.

Paragraph 547

Every effort should be made to ensure that international adoptions are in full conformity with the provisions of article 21 of the Convention. The State party is encouraged to consider ratifying the 1993 Hague Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 57-60, 67-72, 79 and 80.

Paragraph 57

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Serious concern is expressed about the decrease in the net income of families with children caused by both high unemployment rates and budgetary measures that negatively affect child-related allowances.

Paragraph 58

Taking into account recent improvements in the economy, it is strongly recommended that the State party allocate more funds to families with children and develop effective measures to provide those families with appropriate support in order to avoid, among other things, the placement of children in foster care or institutions.

Paragraph 59

The increasing number of children placed outside their families in recent years is noted with concern.

Paragraph 60

All necessary measures should be taken to ensure that children are placed outside their family only when it is evidently in the best interests of the children and for the shortest period possible.

Paragraph 67

Concern is expressed about the fact that a number of children's wards have been closed or are threatened with closure because of cost-saving measures and that children are cared for in adult wards, sometimes even in the same room as adults.

Paragraph 68

Effective measures should be taken to ensure appropriate care for children in hospitals in compliance with the Charter for Children in Hospital of the European Association for Children in Hospital (EACH).

Paragraph 69

While acknowledging the additional funds allocated in order to provide government support to psychiatric services, in particular child and youth psychiatry, the Committee reiterates its concern that mentally ill children are institutionalized in the same facilities as adults. Further, it joins the State party in expressing concern at the long waiting list for and delayed access to mental health services and professionals for children because of an insufficient number of psychologists and psychiatrists.

Paragraph 70

The State party is encouraged to address the shortage of child psychiatrists and psychologists, in particular in the northern and eastern parts of Finland and in small municipalities with fewer resources, in order to provide children with more timely access to mental health services and to prevent the institutionalization of mentally ill children with adults.

Paragraph 71

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It is noted with appreciation that municipalities provide the services of mother and child welfare clinics. The differences between municipalities in the organization of and provision of resources to these clinics is of concern.

Paragraph 72

Children in all municipalities should benefit to the same extent from the services provided by the mother and child clinics.

Paragraph 79

Concern is expressed about the reported increase in the use of drugs, in particular heavy drugs, as well as abuse of alcohol and tobacco among adolescents in the State party. The present child welfare service system is unable to deal with the growing need for services.

Paragraph 80

The State party should allocate more resources to the child welfare service system for treatment therapies and rehabilitation services specifically tailored for children.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 135 and 136.

Paragraph 135

Recognizing the large numbers of orphans and other children in need of alternative care in the State party, deep concern is expressed at violations of child rights that occur in the context of alternative care, at the lack of systematic monitoring of the situation of children in institutions or informal foster families, at the use of children for labour in some informal foster families and at reports indicating that many of these children do not have adequate emotional support or access to health and education services.

Paragraph 136

In light of article 21 of the Convention, it is recommended that mechanisms be developed and implemented to ensure the provision of suitable alternative care for children in need of such assistance. Monitoring mechanisms should be established to guarantee a minimum standard of care, including in the long-term, and which ensure that such children are not used for labour and have access to education and health services. A code of standards should be adopted on care and protection of children deprived of a family environment. Recognizing the difficulties encountered by many families that provide alternative care for children, the State party should continue and strengthen its support to such families, including by providing assistance to pay for health and education services.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100

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(2000) 31 at paras. 172, 173, 188 and 189.

Paragraph 172

It is noted that the Isle of Man will introduce in the next session of the legislature a new Children and Young Persons Bill, as well as bills to incorporate the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993 and the European Convention on Human Rights. However, domestic legislation in the Isle of Man does not fully reflect the principles and provisions of the Convention. In this context, concern is expressed that the draft Children and Young Persons Bill focuses more on a social welfare and service approach rather than a rights-based approach to child protection and care.

Paragraph 173

The State party is encouraged to continue its efforts in the area of law review and reform in order to ensure that the laws are in full conformity with the principles and provisions of the Convention and that they reflect a rights-based approach to child protection and care.

Paragraph 188

Note is made of the efforts to prevent domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children through, *inter alia*, the introduction of the Child Protection Policy, the employment of family aids to work with at risk families and the establishment of family centres to provide training in parenting. In this regard, the establishment of a sex offenders therapy programme for adult perpetrators found guilty of child abuse is noted. Concerns remain, however, at the increasing incidence of domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children.

Paragraph 189

In the light of article 19, it is recommended that efforts be reinforced to prevent and combat domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children. All appropriate measures should be taken to ensure that cases of domestic violence, ill-treatment and sexual abuse of children are properly investigated within a child-friendly judicial procedure and that sanctions are applied to perpetrators, due regard being given to protecting the right to privacy of the child. Additionally, all appropriate measures should be taken to guarantee the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 239, 240, 247 and 248.

Paragraph 239

The monitoring of placements in some of the alternative care programmes is insufficient. Concern

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is expressed about the insufficiency of independent complaint mechanisms for children in alternative care institutions, as well as the lack of available trained personnel in this field. The continued practice of informal adoption in some of the Overseas Territories is also of concern.

Paragraph 240

Additional training, including in children's rights, should be provided for social and welfare workers and independent complaints mechanisms should be established for children in those Territories where there are alternative care institutions. Consideration should be given to the establishment of a code of standards to ensure the adequate care and protection of children deprived of a family environment. In the light of articles 3 and 20 of the Convention, it is recommended that the State party review the alternative care programme in the Turks and Caicos Islands with a view to ensuring the best interests of the child. In the light of article 21 of the Convention, the monitoring procedures for foster care and domestic and intercountry adoptions should be strengthened. Additionally, all appropriate measures should be taken to monitor the practice of informal adoption and to prevent abuse in this regard. The United Kingdom is encouraged to consider extending the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption to the Overseas Territories.

Paragraph 247

Concern is expressed at the absence of legal protection and the inadequate facilities and services for children with disabilities. It is noted with particular concern that since the volcano crisis in Montserrat, the trained special education teachers have migrated from the island.

Paragraph 248

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV.D), it is recommended that additional efforts be made to establish and/or enhance early identification programmes to prevent disabilities; to implement alternatives to the institutionalization of children with disabilities; to establish special education programmes for children with disabilities; and to encourage their inclusion in society. All appropriate measures should be taken to ensure that adequate resources are allocated for the effective implementation of programmes for children with disabilities. Additional training for professional staff working with and for children with disabilities is also recommended. All appropriate measures should be taken to facilitate the recruitment and training of special education teachers in Montserrat.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 299, 300, 303 and 304.

Paragraph 299

The absence of national adoption standards, particularly in relation to foster and adoptive family

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screening is of concern. Concern is also expressed about the absence of mechanisms to review, monitor and follow up adoptions, and of statistics on foster care and adoption.

Paragraph 300

It is recommended that the State party establish a comprehensive national policy and guidelines governing adoption and screening capacity, and establish a central monitoring mechanism in this regard. The State party should consider acceding to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

Paragraph 303

Concern is expressed about the prevailing poor situation of children with disabilities. In particular, the Committee is concerned at the practice of institutionalizing children with disabilities and that access to services such as rehabilitation and education are limited and severely strained.

Paragraph 304

It is recommended that existing policies and practices in relation to children with disabilities be reviewed, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69, para. 338), and that it ensure they enjoy all the rights contained in the Convention. It is also recommended that the State party: provide early childhood care and special education for children with disabilities; develop early identification programmes to prevent disabilities; and provide services for children with learning disabilities and behavioural disorders. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children.

See also:

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 324 and 325.
- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 362 and 364-366.

Paragraph 362

Deep concern remains about the large numbers of children who have been deprived of a family environment as a consequence of abandonment by, the death of, or separation from their parents. In this regard, concern is expressed, *inter alia*, at reports regarding difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods and the predominance of the use of placement in institutions over the development of alternative care measures.

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Paragraph 364

The State party should develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The State party is urged to make every effort to strengthen family tracing programmes and to increase its efforts in providing support, including training for parents, to discourage the abandonment of children. Adequate periodic review of the placement of children living in institutions should be ensured.

Paragraph 365

Gaps in domestic legislation on adoption are of concern. Existing adoption procedures are usually not respected and are reported to be subject to arbitrary decisions. Concern is also expressed at the prevalence of illegal informal adoption. Further concern is expressed at the limited capacity to follow up cases of intercountry adoption, which constitute the majority of adoption cases.

Paragraph 366

Further measures should be taken to revise legislation and practices in the area of domestic and intercountry adoption, in accordance with the Convention and the requirements established by the Hague Convention of 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption, to which Colombia is a party.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 445-448.

Paragraph 445

Current facilities available for the alternative care of children deprived of their family environment are insufficient and many children do not have access to such assistance. In addition, the Committee joins the State party in expressing concern at the low quality of care provided by existing State and non-governmental structures and the difficulties faced by extended families which take on the responsibility of caring for orphans.

Paragraph 446

The State party should urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, the expansion of existing structures, the improved training of staff, the allocation of increased resources to relevant bodies and the provision of assistance to extended family members who take on responsibility for orphaned children.

Paragraph 447

The Committee joins the State party in expressing deep concern at the problems suffered by children in the context of domestic adoption, intercountry adoption and guardianship proceedings, and in particular at reports of the ill-treatment of children by guardians.

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Paragraph 448

The State party should review and strengthen its adoption proceedings and consider reviewing the use of the guardianship mechanism which does not appear to provide sufficient protection to children. It is recommended that the State party become a party to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 523 and 524.

Paragraph 523

Concern is expressed at the lack of criteria for monitoring, evaluation and follow-up of domestic adoptions, and at the absence of information and data about the practice of “customary adoptions” by family members. Also, it is noted with concern that in intercountry adoptions the children concerned are not adequately protected.

Paragraph 524

All adoption placements should be monitored and periodically reviewed by the authorities. The State party is encouraged to undertake a study, including data disaggregated by gender, age and rural/urban area provenance, to analyse the phenomenon of “customary adoptions” by family members with a view to understanding the scope and nature of this practice and adopting adequate policies and measures. The State party should ensure that children involved in intercountry adoptions enjoy the same safeguards and standards as regulated domestic adoptions. The State party is encouraged to consider ratifying the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption of 1993.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 570-573.

Paragraph 570

Concern is expressed about the existing practice of placing children outside the parental home and into institutional care, the limited periodic review of placement, and insufficient follow-up of children who leave institutional care.

Paragraph 571

Efforts should be continued and strengthened to provide families and children in need with adequate professional and other support and to reunite children placed in institutions with their families. With respect to alternative care, the State party is encouraged to strengthen the foster care system and to promote placement of children with foster families and family-type foster homes. Attention needs to be given to adequate periodic review of placement, in accordance with article 25 of the Convention, and follow-up of children who leave care.

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Paragraph 572

Noting that the State party has signed and is in the process of acceding to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993, concern is expressed about the absence of clear legislative measures in this area.

Paragraph 573

The State party is encouraged to expedite its accession to and implementation of this Convention.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 626 and 627.

Paragraph 626

While noting the positive aspects of the placement of children in informal foster care, in particular of children from rural areas, for educational reasons, concern is expressed about the lack of adequate monitoring to prevent possible abuse of these children, such as their use as domestic workers.

Paragraph 627

The necessary measures should be undertaken to establish outside supervision of these placements, in order to prevent the child being abused by his/her foster family.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 34, 35, 56, 57, 60 and 61.

Paragraph 34

While noting that the Law on the Protection of the Rights of the Child of 1998 reflects some principles and provisions of the Convention, concerns remain that other relevant laws, *inter alia* some outdated provisions regarding family and adoption in the 1937 Civil Law, are not in full conformity with the Convention and that disparities exist between law and practice.

Paragraph 35

Efforts in the field of law reform should be continued to ensure that legislation is fully compatible with the provisions and principles of the Convention and with a child-rights approach. Effective steps should be taken to ensure that these measures are fully implemented.

Paragraph 56

Concern is expressed about the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance.

Paragraph 57

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In light of articles 18 and 26 of the Convention, comprehensive measures should be developed to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing.

Paragraph 60

It is of concern that the current legislation regulating adoption is out of date and does not guarantee adequate protection of the child involved, as recognized in the Convention. Further, as the procedures for adoption, in particular intercountry adoption, are complicated and as there is virtually no foster care system available, it is noted that a significant number of children are obliged to live in orphanages and institutions for long periods.

Paragraph 61

In light of article 21 and other related provisions of the Convention, new legislation should be adopted regarding adoption in order to simplify and expedite the procedures for adoption. Measures should be undertaken to facilitate the creation of a foster care system with sufficient financial support. The process for the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 should be continued.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 160, 161, 166 and 167.

Paragraph 160

Concern is expressed that children in the State party may be vulnerable to abuses of their rights in the context of adoption, including intercountry adoption.

Paragraph 161

In the light of article 21 and other relevant provisions of the Convention, the State party should take further steps, through domestic law and implementation procedures, to protect and promote the rights of children in the context of adoption and to consider acceding to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Paragraph 166

Concern is expressed at the predominant use of institutional responses to provide assistance to children in difficulty and that children who are cared for in institutions for many years, and until the age of 18, are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution.

Paragraph 167

While urging the State party to avoid recourse to the institutionalization of children as a form of alternative care, the State party should ensure that children cared for by State or private institutions

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are given all the assistance they need, including an education and suitable vocational training, to enable them to establish a life for themselves after leaving the institution.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 277, 280, 281, 283-285, 288 and 289.

Paragraph 277

In light of articles 19, 28 (2) and 37 of the Convention, the State party should adopt appropriate legislative measures to explicitly prohibit the use of any form of corporal punishment within the family. Measures should be developed to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice. The State party should promote alternative forms of discipline in families, schools and other institutions, administered in a manner consistent with the child's dignity and in conformity with the Convention. The ban on corporal punishments in schools and other institutions should be enforced.

Paragraph 280

It is of deep concern that owing to the inadequacy of social assistance and the lack of alternatives, an increasing number of children from poor families are being placed in institutions.

Paragraph 281

In light of articles 18 and 26 of the Convention, the State party should further strengthen comprehensive measures to support parents, in particular those living in rural areas, in their efforts to raise their children, for instance by increasing various forms of social assistance to families, including counselling services, or by securing day-care services and facilities.

Paragraph 283

The State party should ensure that cases of domestic violence and ill-treatment and abuse of children, including sexual, are properly investigated within a child-friendly inquiry and judicial procedure in order to guarantee better protection of child victims, including their right to privacy. All necessary measures should be taken to make sure that placement of children outside their family only occurs when it is evidently in the best interests of the child and for the shortest period possible. Measures should also be taken to ensure the provision of support services to children in legal proceedings and the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

Paragraph 284

The significant number of children who have to live in orphanages and institutions are matters of concern. Concern is also expressed about the small number of children living in foster families because of economic problems and insufficient support from the State. Concern is expressed about the large number of children involved in intercountry adoption, some of them without legal protections.

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Paragraph 285

In light of article 21 and other related provisions of the Convention, the State party should fully implement the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Further, in light of articles 20 and 25, the State party should continue to undertake measures to facilitate the creation of an adequate foster care system by providing sufficient financial support.

Paragraph 288

It is of concern that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country and that not all medicines are available for free. The large number of children with disabilities who are institutionalized is a matter of concern as is the general lack of resources and specialized staff for children with disabilities.

Paragraph 289

The State party should allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas, and develop community-based programmes in order to allow children to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and their inclusion into society.

See also:

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 64 and 65.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 347-350.

Paragraph 347

With respect to the situation of children deprived of a family environment, concern is expressed about the insufficient number of alternative care facilities and the insufficient financial support provided to existing ones. Concern is also expressed about the low standard of the living conditions in some alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. In addition, it is of deep concern that Juvenile Training Centres are used by courts to detain children for "welfare and education" under the Children's Protection Act No. 6 of 1980, even though these children have not committed any criminal offence. It is noted with concern that some parents choose to send their children to such institutions as a way of disciplining them. Such detentions do not appear to be monitored. It is noted with concern that children are usually detained with others who have been detained in the context of criminal justice procedures.

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Paragraph 348

Additional programmes should be developed to strengthen alternative care facilities, in particular an adequate and well-supported (e.g. via special grants for foster parents) foster care system. The practice of using the Juvenile Training Centres to detain children as a form of alternative care should end. The State party should develop other alternative care systems, including foster care, and it should provide additional training for social and welfare workers. Independent complaint and monitoring mechanisms should be established for alternative care institutions.

Paragraph 349

The State party has legislation to regulate domestic adoptions. However, it is noted that there is *de jure* discrimination against prospective parents who are African. In addition, the procedures are often slow and cumbersome. It is noted that the State party has no legislation, policies or institutions to regulate inter-country adoptions. The lack of monitoring with respect to both domestic, including customary law adoptions, and inter-country adoption is also a matter for concern.

Paragraph 350

In the light of article 21 of the Convention, the State party should introduce effective and non-discriminatory regulatory and monitoring procedures with respect to both domestic and inter-country adoptions, in order to guarantee the protection of the rights of children in this regard. The State party is encouraged to consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 456-459.

Paragraph 456

The breakdown of the traditional extended family structure and the increasing number of female-headed households is noted with concern, particularly in the light of the lack of a welfare support system and alternative care facilities, as well as of inadequate early child-care services. Concern is also expressed about the increasing number of children living and/or working on the streets and the lack of policies, programmes and services to provide greater protection and care for these children and to strengthen families.

Paragraph 457

The State party should undertake a needs-assessment study of female-headed households with a view to ensuring adequate availability and accessibility of welfare programmes, alternative care facilities and early child-care services. A study should be undertaken to understand the scope and nature of the increasing phenomenon of children living and/or working on the streets. Mechanisms should be established to ensure that children living and/or working on the streets are provided with nutrition, clothing, housing, health and rehabilitation services, education, and vocational and life-skills training. Moreover, in the light of the weakening of the extended family structure, special attention should be

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paid to the strengthening of families as social units.

Paragraph 458

Concern is expressed at the inadequate legislation, policies and institutions to regulate inter-country adoptions and to protect the rights of children in this regard. It is noted with concern that the law regarding inter-country adoptions does not allow the adopting parents to transfer their nationality to non-Palauan adopted children. Additionally, concern is expressed that children in inter-country adoptions are generally not eligible for a Palauan passport; and may not own or inherit land or benefit from health, education and social service subsidies. The lack of monitoring with respect to both domestic and inter-country adoptions is a concern. Despite the impact of urbanization and the changing nature of the traditional extended family support system, the State party has not yet instituted a foster care programme and other alternative care facilities.

Paragraph 459

In the light of article 21 of the Convention, proper monitoring procedures should be established with respect to both domestic and inter-country adoptions and adequate measures introduced to monitor the practice of traditional informal adoptions with the view to preventing abuse and protecting the best interests of the child. Additionally, all appropriate measures, including legal and administrative ones should be taken, to ensure the effective regulation of inter-country adoptions and to protect the rights of children in this regard. The implementation of foster care and other alternative care programmes should be considered to guarantee greater protection and care for children deprived of a family environment.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 511-513.

Paragraph 511

Deep concern remains about the weakness of family links, about the large numbers of children who have been deprived of a family environment and, in particular about reports regarding: difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods; and the predominant use of placement in institutions in preference to the development of alternative care measures (e.g., adoption and foster care).

Paragraph 512

The State party should strengthen and increase its programmes, in collaboration with relevant NGOs, to support families in need, in particular single parent families and those in socio-economic or other difficult circumstances, such as very young couples with children. Programmes should be developed to facilitate alternative care, in particular foster care, additional training should be provided for social and welfare workers, and independent complaint and monitoring mechanisms should be established for alternative care institutions.

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Paragraph 513

The State party is encouraged to ratify the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Inter-country Adoption, as well as bilateral agreements.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 40, 63, 70 and 71

Paragraph 40

The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption is noted with satisfaction. This action necessitated amendments to the Adoption Act that, *inter alia*, ensures greater participation of the child in his/her adoption.

Paragraph 63

The necessary measures should be taken to ensure effective implementation of article 12 of the Convention, not only in court proceedings but also in various administrative decisions, including with respect to child protection services, custody proceedings and the placement of children in institutions. Moreover, the State party is urged to effectively promote and encourage respect for the views of children below the age of 12 years, according to his/her evolving capacities, and in light of article 12 of the Convention.

Paragraph 70

The rather high level of bullying in schools and the inadequate protection of children from abuse, including sexual abuse, in day-care and other institutions, are matters of concern.

Paragraph 71

The State party should strengthen its measures, in participation with children, to prevent and combat violence and bullying in schools. Furthermore, the State party is encouraged to take the necessary measures to prevent persons convicted of crimes against children from working in care and other institutions for children.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 108, 122-124 and 127-130.

Paragraph 108

The general principles of the Convention, in particular the provisions of articles 2, 3, and 12, should be appropriately integrated into all relevant legislation concerning children and applied in all political, judicial and administrative decision, as well as in projects, programmes and services which have an impact on children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

Paragraph 122

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The State party is encouraged to undertake effective measure to improve social assistance to families, including through counselling and community- based programmes, and to implement fully the programme of cooperation with UNICEF on enhancing family capacity, in order also to reduce the number of children in institutional care.

Paragraph 123

The high number of children who live in institutions, half of whom are placed there because of socio-economic problems affecting their families, is of concern. It is also of concern that these institutions are in some cases in a bad physical state and need adequately trained and competent staff. The reorganization of some of these institutions into family units of small groups of children is recognized with appreciation. It is further noted that the foster care system is not sufficiently developed and that the law on adoption is too restrictive.

Paragraph 124

The State party should review the system of institutionalization of children and should ensure, in the light of article 25 of the Convention, the periodic review of children placed in institutions. More financial and human resources should be allocated to improve the situation of children living in institutions. In the light of article 20, the State party is encouraged to promote alternative care and to further improve the quantity, quality and efficiency of foster care, including by providing sufficient financial support. Further, in light of article 21, the State party is encouraged to review the law on adoption with a view to facilitating the adoption process.

Paragraph 127

It is of deep concern that physical punishment in the home is culturally and legally accepted and that only "excessive punishment" resulting in physical injury is prohibited by the Penal Code. It is also noted with concern that, although prohibited, corporal punishment is used in schools and other institutions.

Paragraph 128

In the light of articles 3, 19 and 28(2) of the Convention, the State party is encouraged to develop measures to raise awareness of the harmful effects of corporal punishment and to promote alternative forms of discipline in families that are administered in a manner consistent with the child's dignity and in conformity with the Convention. The ban on corporal punishments in schools and other institutions should be enforced effectively.

Paragraph 129

Concern remains about the huge number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for these children.

Paragraph 130

Measures should be undertaken to ensure that the situation of children with disabilities is adequately

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monitored in order to assess effectively their needs. The necessary resources should be allocated for programmes and facilities for all children with disabilities, especially those living in rural areas, and community-based programmes should be developed to enable these children to stay at home with their families. It is also recommended that the State party further encourage their inclusion in society and integration into the regular educational system, including by providing special training to teachers and by making schools more accessible.

See also:

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 265 and 266.
 - Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 66 and 67.
 - Belarus, CRC, CRC/C/15/Add.180 (2002) at para. 48.
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- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 193, 194, 199 and 200.

Paragraph 193

Concern is expressed at the practice of “fictitious” care for children deprived of their parents, as replacement for genuine adoption, which deprives these children of care and education. Mechanisms for the monitoring of respect for the rights of children in institutions and the provision of assistance are inadequate. In addition, concern is expressed at reports of illegal adoptions, including inter-country adoption.

Paragraph 194

The State party should ensure greater legal and effective protection of the rights of children deprived of their parents to emotional care and to education and health services, including in the context of informal adoption procedures. The State party should also strengthen its mechanisms for the monitoring of respect for the rights of children in need of, and receiving, alternative care assistance. All adoptions should comply with international standards and should be conducted in the best interests of the child.

Paragraph 199

The reports of violence against children with disabilities in State institutions are of concern.

Paragraph 200

The State party should strengthen mechanisms to protect children with disabilities and living in institutions from acts of violence.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 259-262.

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Paragraph 259

The development of initiatives such as the Plan of Action for Social Development and Peacebuilding 1996-2000, which had among its priorities the strengthening of the family, schooling for parents and the Comprehensive Care Programme for Children under Six (PAIN), are positive measures in line with the Committee's previous recommendation. However, it is of concern that such programmes have had little impact in view of the number of children and parents who need this support.

Paragraph 260

In light of article 18 of the Convention, social assistance to families should be improved to help them with their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care. Assistance should be sought from among others, UNICEF.

Paragraph 261

It is of deep concern that there was no follow-up to the Committee's previous recommendations to introduce measures to monitor and supervise the system of adoption effectively and to consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Concern is expressed at the extremely high rates of intercountry adoptions, at adoption procedures not requiring authorization by competent authorities, at the absence of follow-up and, in particular, at reported information on sale and trafficking in children for intercountry adoptions. It is also noted that several drafts of adoption laws have been pending in Congress but never adopted.

Paragraph 262

In light of article 21 of the Convention and in line with the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/2000/73/Add.2) and of the United Nations Verification Mission in Guatemala (MINUGUA), the Committee strongly recommends that the State party suspend adoptions in order to take the adequate legislative and institutional measures to prevent the sale and trafficking of children and to establish an adoption procedure which is in full compliance with the principles and provisions of the Convention. It further reiterates its recommendation to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 321, 322, 329 and 330.

Paragraph 321

Current facilities available for the alternative care of children deprived of their family environment are insufficient and many children do not have access to such assistance. There is also a lack of appropriate training of staff and of a clear policy regarding the review of placements of children in

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alternative care.

Paragraph 322

The State party should urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies. Assistance should be sought from UNICEF in this regard.

Paragraph 329

While noting the existence of the National Programme for the Control of AIDS, Sexually Transmitted Infections and Tuberculosis, the establishment of a special Ministry on HIV/AIDS, and the setting up of a committee on HIV/AIDS orphans, extreme concern remains at the alarmingly high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting large number of children orphaned by HIV/AIDS. The lack of alternative care for these children is also of concern. The large number of teachers dying of HIV/AIDS in the State party is of deep concern.

Paragraph 330

The State party should increase its efforts to prevent HIV/AIDS. The State party is also urged to consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to adoption, to emotional care and to education. Technical assistance should be sought from, among others, UNAIDS.

See also:

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 371 and 372.
- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 444 and 445.
- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 426 and 427.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 390-395 and 405.

Paragraph 390

It is regrettable that the law does not prohibit the use of corporal punishment as a sentence for children and youth in the juvenile justice system. Concern is also expressed that this type of punishment continues to be practised in schools, families and care institutions.

Paragraph 391

Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment within the juvenile justice system, schools and care institutions as well as in families. The State party is encouraged to intensify its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all

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levels of society.

Paragraph 392

It is of concern that there is an increasing number of children deprived of a family environment, including AIDS orphans. Concern is also expressed about the inadequate facilities and services for children deprived of a family environment, the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions and the lack of available trained personnel in this field. The absence of a code of standards for alternative care institutions for children is noted with concern. There are also insufficient financial and human resources allocated for alternative care.

Paragraph 393

Effective measures should be taken to improve alternative care, including through the allocation of adequate financial and human resources. The State party should provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions. Additionally, a code of standards should be established and implemented to ensure adequate care and the protection of children deprived of a family environment.

Paragraph 394

While noting that the Adoption Ordinance provides for the regulation of adoptions (domestic and inter-country), concern is expressed that informal adoptions are more widely accepted and practiced within the State party. Efforts to establish an effective foster care programme have been insufficient.

Paragraph 395

In light of article 21 of the Convention, adequate administrative procedures should be introduced for formal domestic adoptions, in order to prevent the abuse of the practice of informal adoption and to guarantee the protection of the rights of children in this regard. In light of the increasing number of children deprived of a family environment, formal adoptions should be promoted and encouraged and an effective foster care programme should be established. Additionally, the State party should consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Paragraph 405

The State party should implement alternatives to the institutionalization of children with disabilities.

See also:

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 120 and 121.
- Niger, CRC, CRC/C/15/Add.179 (2002) at paras. 42 and 43.

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