

CHILDREN'S RIGHTS - CHILD WELFARE AND INSTITUTIONS

IV. CONCLUDING OBSERVATIONS, CONTINUED

ICCPR

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(17).

(17) The Committee is concerned that the measures of protection of children are inadequate and the situation of large numbers of children, particularly the most vulnerable, is deplorable. While recognizing that certain legislation has been adopted in this respect, many problems remain in practice, such as:

(a) the absence of adequate legislation governing juvenile justice and the deplorable situation of children in detention, including those held without evidence for prolonged periods of time;

(b) persistent reports of ill-treatment and abuse, including sexual abuse, in situations of detention and children being detained together with adults where conditions of detention may amount to cruel, inhuman and degrading treatment (art. 7);

(c) street children vulnerable to extrajudicial executions and various forms of abuse and exploitation;

(d) children as young as 13 allegedly being used by armed groups without adequate measures of protection by the State (art. 24);

(e) economic exploitation of children, in particular in the informal sector.

The State party should:

(a) Expedite the adoption of legislation governing juvenile justice which complies with international standards of juvenile justice in accordance with article 10, paragraph 3, of the Covenant. The Committee recommends that training for professionals in the area of administration of juvenile justice be enhanced and that human and financial resources for effective implementation of the new legislation be secured;

(b) Devise programmes for street children which offer support and assistance. Support to relevant non-governmental organizations is encouraged in this respect;

(c) Take all appropriate measures to ensure protection of children who have been involved in armed conflict and provide them with adequate assistance and counseling for their rehabilitation and reintegration into society (art. 24); and

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(d) In relation to child labour, the State party should pay particular attention to the situation concerning the monitoring and effective implementation of labour standards for street children and children working in the informal sector, as well as those working in the Free Trade Zone.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(10).

(10) The Committee notes that Greece is a main transit route for trafficking in human beings, as well as a country of destination. While welcoming the efforts made by the State party to fight this scourge, it remains concerned, in particular, about the reported lack of effective protection of the victims, many of whom are women and children, including witness protection mechanisms (arts. 3, 8 and 24).

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(b) The Committee urges the State party to protect unaccompanied alien children and to avoid the unsupervised release of such children into the general population. The absence of child welfare protection increases the danger of trafficking and exposes the children to other risks. The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002...

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 763 and 784.

763. The Committee is concerned about the reduction in the budget for of the Colombian Family Welfare Institute's Community Mothers Programme, which provides care for nearly 1.3 million children. It deplores the fact that "community mothers" are not yet recognized as workers and do not receive the minimum wage.

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784. The Committee reiterates the recommendation made in its concluding observations on the third report of Colombia that the employment status of "community mothers" should be regularized by treating them as workers, so that they are entitled to the minimum wage.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 931 and 943.

931. ...The Committee is...concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as section 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female

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children by males only under specially justified circumstances.

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943. ...The Committee...recommends that the State party consider amending the Acts mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 218.

218. The Committee welcomes the adoption of the new Child Protection Act containing a comprehensive set of provisions and of new amended rules concerning, *inter alia*, measures to protect children from neglect and ill-treatment at home.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 311 and 333.

311. The Committee is concerned about the large number of children placed in institutions, especially those with slight mental disabilities. The Committee is also concerned that children left in the care of relatives or other persons while their parents travel abroad in search of employment are at risk of abuse and neglect.

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333. The Committee recommends that the State party strengthen its efforts to reduce the number of children living in institutions, including by strengthening family support measures and by developing alternative forms of family care. The State party should ensure that children in institutions as well as all other children deprived of their natural family environment grow up in an atmosphere of emotional and material security.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 411 and 429.

411. The Committee...takes note of the efforts made by the State party towards the implementation of the National Reparations Programme for victims of war. However, the Committee expresses concern at the lack of effective measures to reunite families separated by the conflict, to establish the whereabouts of children who have disappeared and to safeguard the rights of children orphaned by the war.

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429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 468 and 496.

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468. The Committee remains concerned about the problem of street children in the major cities of the State party. The Committee is also deeply concerned about the growing number of orphaned children and children deprived of parental care.

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496. The Committee urges the State party to further strengthen measures to prevent child neglect and to ensure adequate assistance and social rehabilitation for neglected or abandoned children. The State party should take effective measures to deal with the root causes of neglect and abandonment, particularly by increasing assistance rendered to families with children, including by increasing the levels of family benefits.

- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 529 and 550.

529. The Committee notes with concern that existing social and educational policies in the State party for orphans keep them in segregated environments, which can lead to situations of social exclusion.

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550. The Committee urges the State party to strengthen its efforts to provide alternative family care for orphans and to include them in the regular school system.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 88 and 110.

88. The Committee is concerned about the problem of street children in the State party as well as the lack of information about children placed in institutions.

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110. The Committee urges the State party to combat the phenomenon of street children as a matter of priority. In this regard, the State party should take effective measures to address the root causes of neglect, abuse and abandonment, particularly through increased assistance to families with children...

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 137 and 158.

137. The Committee notes with concern that physical and sexual abuse of children seems to occur at a relatively high rate.

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158. The Committee recommends that the State party remedy the lack of social workers with a view to improving its assistance to children suffering from physical and sexual abuse...

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- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 490 and 516.

490. The Committee is seriously concerned about the reports of children who are illegally adopted from orphanages for the purpose of trafficking in organs.
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516. The Committee urges the State party to continue to ensure that perpetrators of illegal adoptions are duly prosecuted.
- Norway, ICESCR, E/2006/22(2005) 48 at paras. 341 and 359.

341. The Committee expresses concern at the high number of children who are removed from their families and placed in institutions or foster homes in the State party.
...
359. The Committee requests the State party to address the situation of children who are removed from their families and placed in institutions or foster homes and to take measures to identify and address the underlying causes. In this regard, the Committee recommends that the State party undertake periodic comprehensive reviews of children placed in institutions or foster homes and strengthen its efforts to provide parents with the necessary assistance and support to enable them to exercise their parental role and responsibilities in the upbringing and education of their children...

CAT

- Russian Federation, CAT, A/57/44 (2002) 42 at paras. 92 and 94.

92. The Committee...expresses its concern about the following:
...
(i) Reports of conditions amounting to inhuman or degrading treatment, of children in institutions or places of detention;
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94. The Committee recommends that the State party:
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(j) Distribute and ensure implementation of appropriate instructions to all relevant officials on the prohibition of ill-treatment and acts of torture against children in institutions and prisons under the jurisdiction of the State;
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- Croatia, CAT, A/59/44 (2004) 38 at paras. 77 and 78.

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77. The Committee is concerned about the following:

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(e) The alleged failure of the State party to address the issue of violence and bullying between children and young adults placed in social care institutions;

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78. The Committee recommends that the State party:

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(k) Increase the protection of children and young adults placed in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated, providing support and treatment for children and young adults with psychological problems, and ensuring that these institutions employ trained personnel, such as social workers, psychologists and pedagogues;

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- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

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(c) The fact that minors are not kept separately from adults in all situations of detention;

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(j) The amendments to the law on the right to asylum which amplified the grounds for rejecting asylum requests and allows for the detention of persons in the process of being removed to be held in aliens' detention centres for a period of up to 180 days; as well as the restrictive nature of the conditions in these centres which are comparable to those in prisons;

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87. The Committee recommends that the State party:

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(e) Ensure that persons under 18 years of age are detained separately from adults in all circumstances;

...

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

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47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

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(l) The inadequate measures taken to protect children picked up by the Security Police and taken into State care during the period 1998-2003. In particular, the Committee notes that of the approximately 600 children taken to the Aghia Varvara children's institution, 500 reportedly went missing and that these cases were not promptly investigated by a judicial authority;

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48. The Committee recommends that the State party:

...

(m) Review the modalities for protecting street children, in particular to ensure that those measures protect their rights. All decisions affecting children should, to the extent possible, be taken with due consideration for their views and concerns, with a view to finding an optimal, workable solution. The Committee urges the State party to take measures to prevent the recurrence of cases such as the Aghia Varvara children's institution. It should also ensure that a judicial investigation is carried out...

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CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 56, 57, 60 and 61.

56. The Committee is concerned that corporal punishment of children is widely practised in the family. It further notes that it is not expressly banned in schools and institutions.

57. In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party to:

(a) Develop measures to raise awareness on the harmful effects of corporal punishment and engage in the promotion of alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention; and

(b) Explicitly prohibit corporal punishment in the family, in schools and in other institutions.

60. The Committee notes with concern that there is no procedure available for children who are abused and/or neglected within the family.

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

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- (a) Establish effective procedures and mechanisms to receive, monitor and investigate complaints about child abuse and neglect, including intervention where necessary;
- (b) Prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings;
- (c) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and
- (d) Provide proper alternative placement when this is in the best interest of the child.

See also:

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 63 and 64.
- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 110, 111, 114, 115, 118 and 119.

110. The Committee notes with concern that, *inter alia*, traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

111. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in the family, in schools and care institutions, and in the judicial system. The Committee further recommends that the State party introduce child-sensitive hearings for placement decisions and in courts and take into account the views of the child, according to their maturity and age.

...

114. While the Committee notes that corporal punishment has been formally banned in schools (April 2001) as a matter of policy, it is deeply concerned that this form of punishment continues to be practised in schools, as well as in the juvenile justice system, in the family and in care institutions, with resulting cases of permanent injury and even death.

115. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, in the juvenile justice system, in schools and care institutions, and in the family. The Committee also recommends that the State party monitor the ban on corporal punishment in schools. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

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118. The Committee expresses concern at the increasing number of children deprived of a

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family environment and at the absence of a distinction between children in need of special protection and child offenders in legal proceedings. Concern is also expressed at the inadequate facilities and services for children in need of special protection, as well as at the State practice of placing such children in juvenile remand facilities or police stations, which are considered places of safety. The Committee also notes with concern 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 trained personnel in this field. Concern is also expressed at the insufficient financial and human resources allocated for alternative care.

119. The Committee recommends that the State party take effective measures to improve alternative care, including through the allocation of adequate financial and human resources. It further recommends that the State party provide additional training, including in children 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, the Committee recommends that the State party take effective measures to ensure that children in need of care are not kept in juvenile remand facilities or police stations and encourages the efforts to make procedural and substantive distinction between children in need of special protection and child offenders.

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 183 and 184.

183. The Committee welcomes the introduction of the new system for reporting incidents of child abuse and neglect and the establishment of the Family Counselling and Guidance Department. However, the Committee remains concerned that there is insufficient information and awareness in Oman of the ill-treatment and abuse of children within the family and institutions.

184. The Committee recommends that the State party:

- (a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- (b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and in institutions;
- (c) Carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- (d) Ensure that the new reporting system can effectively receive, monitor and investigate

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complaints, and that the authorities can intervene where necessary;

(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not further victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

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

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at para. 309.
- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 400 and 401.

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 232, 233, 236 and 237.

232. The Committee welcomes the State party's decision to develop a global plan on family policy, including changes to social welfare and social security and means-tested coverage with particular provisions for families and children and including those persons not paying contributions to the social security system. The Committee also welcomes the definition, in the National Plan of Action against Poverty and Social Exclusion of child protection priorities including the provision of support measures for families in order to enable them to fulfil their parental responsibilities. Nevertheless, the Committee remains concerned:

(a) That poverty, poor housing, unemployment, non-contractual work and the high incidence of alcoholism among parents in many families have a negative impact on respect for children's rights;

(b) At the lack of sufficient free pre-school care services, complicating an already difficult situation for poor families.

233. The Committee recommends that the State party make every effort, to the maximum extent of available resources, to support families in their child-rearing responsibilities and to ensure the protection of the rights of all children in the context of the family environment.

...

236. The Committee is concerned:

(a) At the continuing emphasis placed on the institutionalization of children deprived of a family environment (see, in particular, paragraph 89 of the State party's report);

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(b) That review of the placement of children in alternative care is inadequate (see paragraph 206 of the State Party's report).

237. The Committee recommends that the State party:

(a) Place emphasis on foster care, including by providing adequate financial support and advice to foster families;

(b) Develop deinstitutionalization policies and continue its efforts to reduce the incidence of institutionalization of children;

(c) Strengthen its review of the placement of children in alternative care, ensuring that it is conducted regularly and frequently and takes into consideration the views and best interests of the child.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 363, 364, 385 and 386.

363. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. The Committee is also concerned that there is no legislative structure for the protection of the best interests of the child in cases of intercountry adoption.

364. The Committee recommends that the State party:

(a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children, *inter alia* through the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies;

(b) Provide for regular periodic review of the placement of children in institutions;

(c) Establish a formal procedure to guarantee the best interests of the child in cases of intercountry adoption and consider ratifying the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption; and

(d) Seek assistance from UNICEF in this regard.

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385. The Committee is deeply concerned at the large number of children being sold by their parents and subsequently exploited in the labour market. The Committee is also concerned at information on alleged instances of trafficking in children for their exploitation in the

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State party and in neighbouring countries. The Committee is further concerned at the possible use of intercountry adoption for the purpose of trafficking.

386. The Committee recommends that the State party:

(a) Take measures to prevent and combat the sale and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;

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

(c) Ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 434-437.

434. The Committee expresses concern at the increasing number of children deprived of a family environment and the inadequate facilities and services for them. The Committee also notes with concern 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. Concern is also expressed at the insufficient financial and human resources allocated for alternative care, as well as to the Department of Social Welfare.

435. The Committee recommends that the State party take effective measures to improve alternative care through, *inter alia*, the allocation of adequate financial and human resources, including to the Department of Social Welfare. It further recommends that the State party 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.

436. While noting that the Adoption Act (1992) provides for the regulation of adoptions (domestic and intercountry), the Committee expresses concern that informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely accepted and practised within the State party. While the Committee notes the efforts of the State party to introduce a foster care programme, it is concerned that "informal foster care" within the extended family system is still preferred.

437. In light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative procedures for formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection

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of the rights of children. In light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions and reinforce its foster care programme. Additionally, the Committee encourages the State party to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 564-567.

564. The Committee expresses its concerns that:

A high number of children, especially children with disabilities, are abandoned, or are otherwise deprived of a family environment;

Foster care, or other forms of family-based alternative care, is not sufficiently developed and available, with the result that children are placed in institutions;

Institutions (for example, "infants' homes"), because of lack of resources, provide children with very low quality housing and care;

The location and features of institutions do not facilitate family contact;

Effective mechanisms for children to communicate concerns and complaints about their placement are lacking;

There is no follow-up of children who have left institutional care.

565. The Committee recommends that the State party:

(a) Take effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children;

(b) Promote the family as the best environment for the child, through counselling and community-based programmes to assist parents to keep children at home;

(c) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;

(d) Place children in institutions only as a last resort;

(e) Take all necessary measures to improve conditions in institutions;

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(f) Ensure that children living there enjoy all the rights laid down in the Convention, including the right to maintain personal relationships and direct contact with their parents and families on a regular basis;

(g) Provide support and training for personnel in institutions, including social workers;

(h) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and to establish regular periodic review of placement;

(i) Provide adequate follow-up and reintegration services for children who leave institutional care.

566. The Committee is concerned about:

The lack of national standards, particularly in relation to foster and adoptive family screening;

The lack of mechanisms to review, monitor and follow up adoptions, and collect statistics on foster care and adoption, including intercountry adoption;

The practice of secret adoption.

567. The Committee recommends that the State Party:

(a) Establish a comprehensive national policy and guidelines governing foster care and adoption;

(b) Establish a central monitoring mechanism in this regard;

(c) Ensure that adopted children who have reached the age of majority have the right of access to the identity of their biological parents;

(d) Accede to the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

See also:

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 237 and 238.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 636-639.

636. Noting the State party's efforts, including a study on the traditional system of foster

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care for orphans (see, *inter alia*, paragraph 119 of the State party's report), the Committee remains concerned that the foster care system requires strengthening.

637. The Committee recommends that the State party take action to improve the foster care system, including consideration of recommendations made by the study and in respect of the Convention's provisions.

638. Noting in particular the State party's very large emigrant population, the Committee is concerned at potential violations of children's rights in the context of intercountry adoption.

639. The Committee recommends that the State party adopt and implement the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 55, 56, 65 and 66.

55. The Committee is concerned that the comparative studies regarding the compatibility between the Convention and domestic legislation have not examined the implications of the general principle of the best interests of the child in relation to the State party's laws, as previously recommended (CRC/C/15/Add.54, para. 35), its policies on issues such as institutionalization and imprisonment, and its practices with regard to children with disabilities.

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

...

65. The Committee is deeply concerned at the large number of children placed in institutions, a significant majority of whom are placed there because of socio-economic problems affecting their families and without judicial procedure. It notes with concern that the institutions, which are often run by non-governmental organizations, are contracted by the Ministry of Social Affairs and are not at present subject to monitoring. The Committee notes the information provided by the delegation that legislation and procedures regarding alternative care are in place.

66. The Committee recommends that in the light of article 9, the State party:

(a) Take effective measures to implement fully the legislation relating to alternative care of children to ensure that a child is not separated from his or her parents against its will, except when competent authorities subject to judicial review and procedures determine that such

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separation is necessary for the best interests of the child; and

(b) Pursue its plans to review its policies resulting in a large number of children being placed in institutions and improve the monitoring and evaluation of services provided by non-governmental organizations in this regard.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 130, 131, 142, 143, 146, 147, 150, 151, 154 and 155.

130. The Committee is concerned that children's opinions are insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a State institution, foster care, or other form of alternative care...

131. The Committee recommends that the State party:

(a) Strengthen its efforts, including in respect of legislation, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them and in accordance with the child's age and maturity;

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142. While acknowledging the many activities of the Child Health Institute in the field of child abuse and neglect and the new bill to establish the "legal bystander" for the child victim, the Committee remains concerned:

(a) At the absence of national data on the incidence of child abuse and neglect;

(b) At indications that physical, psychological, and sexual abuse are prevalent within the family and in the context of institutional care;

(c) That social, medical and other service resources through which the State party can respond to abuse and neglect are primarily limited to Athens and that even these are insufficient.

143. The Committee recommends that the State party:

(a) Improve its data collection with regard to the abuse and neglect of children, including sexual abuse within the family;

(b) Develop and implement a national programme for the prevention and reduction of the incidence of child abuse and neglect of children within the family and within institutions, *inter alia* by conducting awareness raising campaigns and providing adequate support to

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families at risk;

(c) Develop and implement an effective system for reporting and referral of cases of child abuse and neglect and appropriate measures for the protection of child victims and the provision of rehabilitative assistance and the prosecution and treatment of alleged perpetrators of abuse and neglect;

(d) Strengthen the capacity of social services across the country to identify and treat instances of abuse or neglect of children, including for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or sexual exploitation, in accordance with article 39 of the Convention; take measures to prevent the criminalization and stigmatization of victims; strengthen the use of child-sensitive methods of investigation and presentation of court evidence and the availability of expert multidisciplinary child assistance teams, including psychosocial counsellors; and ensure that domestic legislation provides adequate protection for all children, both girls and boys, from sexual and other forms of abuse;

(e) Take note of the Committee's recommendations adopted at its 2000 and 2001 days of general discussion on children and violence (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).

...

146. The Committee is concerned that:

(a) Alternative care provisions for children, such as foster and institutional care, are inadequate, including as a result of inadequate funding and insufficient staffing;

(b) There is a lack of systematic and effective coordination between welfare services and the courts;

(c) The "juvenile protection societies" are inadequately resourced to fulfil their mandates effectively;

(d) That children from some groups, such as Roma and illegal immigrants, receive particularly limited protection of their rights in the context of alternative care mechanisms.

147. The Committee recommends that the State party:

(a) Continue to strengthen further its ongoing efforts to improve the protection of children's rights in the context of alternative care proceedings;

(b) Strengthen the effectiveness of its efforts to prevent and reduce the recourse to institutionalization for children in need of alternative care;

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(c) Strengthen collaboration and coordination between the various relevant governmental and non-governmental bodies in the context of alternative care including, as relevant, with the courts;

(d) Ensure that children's views are heard and taken into consideration in alternative care decisions, in accordance with the principles and provisions of the Convention.

...

150. Taking into consideration the efforts that have been made in the past 10 years and the recent involvement of children with disabilities and their families in policy making, especially in relation to the Ministry of Education's special education department, and the progress made in modifying access to streets, buses, trains and some buildings for persons with disabilities, the Committee remains concerned that:

...

(d) Many children with disabilities in need of alternative care are institutionalized, that residential care for persons with disabilities remains of poor quality, limiting respect for children's rights, and that children in some institutions experience abuse and inhuman or degrading treatment;

...

151. Noting the State party's efforts in this regard, and in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, para. 338), the Committee recommends that the State party:

...

(d) Ensure that children with disabilities, in particular those children living in institutions, are protected from all forms of neglect, abuse or inhuman or degrading treatments;

...

(f) Strengthen efforts to limit recourse to institutional solutions for children with disabilities in need of alternative care and improve the quality of residential care;

...

154. While noting bill (2646/1998) on the development of the national system of social care which will create a network of services - coordinated by the National Centre for Immediate Social Help - providing social care to individual families and groups in need of immediate attention and help, the Committee remains concerned that:

(a) The National Welfare Organization, created in 1998 to coordinate child welfare services, has not yet become fully operational;

(b) There is an insufficient number of social workers, lawyers, speech therapists, psychologists and other specialists working within the welfare system and available to support children and their families;

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(c) There is a lack of children's welfare services in some areas of the country, such as on the Peloponnese and the Ionian islands;

(d) Many children and families from some distinct ethnic, religious, linguistic or cultural groups, such as the Roma, are not fully aware of their rights to social security and welfare and are consequently unable to claim such assistance.

155. The Committee recommends that the State party:

(a) Proceed with efforts to make the National Welfare Organization fully operational;

(b) Improve the availability of welfare specialists, including social workers, lawyers, speech therapists and psychologists;

(c) Ensure that all children, in all parts of the country, have easy access to welfare services;

(d) Strengthen the provision of information on social security and welfare benefits to children and families in need of such assistance from distinct ethnic, religious, linguistic or cultural groups, including the Roma.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 213 and 214.

213. The Committee is very concerned that current facilities available for the alternative care of children deprived of a family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee is concerned that children themselves are not heard prior to and during their placement. The Committee is also concerned at the complicated adoption procedure which may lead to practices that do not pay adequate attention to the best interests of the child.

214. The Committee recommends that the State party:

(a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, the introduction of effective legislation, the reinforcement of existing structures like the extended family, the improved training of staff, and the allocation of increased resources to relevant bodies;

(b) Systematize the hearing of the views of the child concerning his/her placement;

(c) Provide for regular periodic review of the placement of children in institutions;

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- (d) Review and, if necessary, change its legislation on adoption in order to guarantee that the best interests of the child are fully taken into account as well as other relevant articles of the Convention;
 - (e) Ratify the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption adopted in 1993 at The Hague; and
 - (f) Seek assistance from UNICEF in this regard.
- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 293, 294, 317 and 318.
 - 293. While noting the State party's preference for family forms of alternative care and a policy of reducing institutionalization, the Committee remains concerned that:
 - (a) A very large number of children are in need of alternative care, in particular the many children who have become orphans because of HIV/AIDS;
 - (b) Current alternative care arrangements in the State party are insufficient;
 - (c) There is no established legislation or procedures for alternative care, or for monitoring such care;
 - (d) Institutional care establishments have insufficient resources;
 - (e) Violence is regularly committed against children in the context of alternative care;
 - (f) The lack of legislative or administrative frameworks ensuring the protection of children who are cared for under the "substitute family" practice (described in the State party's report) can lead to violations of children's rights.
 - 294. The Committee recommends that the State party:
 - (a) Make every effort to improve alternative care for children, giving particular attention to HIV/AIDS orphans;
 - (b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention, giving particular attention to protecting the inheritance rights of children in alternative care;
 - (c) Encourage and monitor the current practice of placement within the extended family, assuring the rights of children cared for in this context;

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(d) Develop legislative or administrative rules and guidelines for ensuring the protection of children who are cared for under the “substitute family” practice described in the State party’s report;

(e) Ensure the provision of sufficient resources for alternative care institutions with regard, *inter alia*, to staff training, food, health, clothing, water, electricity and school material requirements;

(f) Strengthen monitoring procedures, ensuring sufficient human and other resources for the regular and effective monitoring of all forms of alternative care for children.

...

317. The Committee is concerned that:

(a) There are large numbers of children living on the street in urban areas;

...

(c) The primary response to the situation of these children, as described by the State party in its report, is placing them in institutions.

318. The Committee recommends that the State party:

(a) Strengthen its efforts to ascertain the number and location of street children;

...

(c) Strengthen efforts to assist children to leave the street, with emphasis on alternatives to placing them in institutions and special attention to family reconciliations.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 332, 333, 353, 354 and 357-360.

332. The Committee notes with concern that the Juvenile Act of 1967, which is based on the doctrine of “irregular situation” and thus does not make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, is still in force. It further notes that two draft laws intended to reform the Juvenile Act, one on the protection of children who need assistance and the other on children in conflict with the law, have been under preparation since 1994 but have not been introduced yet before Parliament.

333. The Committee, in line with its previous recommendation (CRC/C/15/Add.22 of 25 April 1994, para. 14), recommends that the State party:

(a) Take all the necessary measures for the adoption without delay of the laws amending the Juvenile Act of 1967;

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(b) Ensure the full implementation of the amended Juvenile Act in compliance with the Convention, paying particular attention to the need for adequate structures by allocating the necessary human and financial resources;

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

...

353. The Committee notes with concern that, due to traditional and paternalistic attitudes still widespread in the country, children are not encouraged to express their views and that, in general, their views are not heard nor given due weight in decisions affecting them in the family, at school, in the community and in social life at large. In particular, it notes with deep concern that, according to article 30 of the Juvenile Act, the juvenile judge may impose a protection measure on children without summoning them to appear when the case does not constitute a crime, ordinary offence or minor offence.

354. In light of articles 12 to 17 of the Convention, the Committee recommends that the State party undertake measures in order to take into account the views of children, in accordance with the concept of their evolving capacities, in all matters affecting them, in particular in judicial and administrative proceedings, and integrate this principle in the new legislation and in policies and programmes affecting children, including the National Policy. It encourages the State party to seek technical cooperation from, among others, UNICEF.

...

357. The Committee is concerned that the system of assistance to parents and legal guardians in the performance of their child-rearing responsibilities is still insufficient, in particular with respect to single-parent families, and that a significant number of children are put in institutions because of the bad economic situation affecting the family.

358. In light of article 18 of the Convention, the Committee recommends that the State party continue to improve social assistance to families to support them in their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care.

359. While noting that there are plans to reform the National Service for Minors (SENAME), the Committee notes with concern that at present SENAME is still in charge of both children in need of care and protection as well as those in conflict with the law, and that social services need to be more decentralized. Further, it notes that a bill for the establishment of family courts has been before Congress since 1997.

360. The Committee recommends that the State party:

(a) Establish two clearly separated systems (in terms of administration and implementation) for children in need of care and protection and for children in conflict with the law, by adopting the two draft laws, one on the protection of children who need assistance and the

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other on children in conflict with the law, intended to reform the 1967 Juvenile Act;

(b) Create and strengthen adequate and decentralized structures by providing enough human and financial resources; and

(c) Take measures to establish family tribunals.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 418, 419, 442 and 443.

418. While noting the creation of an Orphan Care Programme in 1996, the creation of a National Task Force on Orphans, and the proposed bill on wills and inheritance, the Committee expresses concern at the increasing number of children deprived of a family environment, notably due to the spread of HIV/AIDS, the Committee welcomes the policy of the State party to use institutional facilities as a last resort but remains concerned that the role of the extended family is decreasing, that there is no legislation on foster care, and that the Adoption of Children Act does not fully take into consideration the best interests of the child and other relevant provisions of the Convention. Finally, the Committee remains concerned that insufficient financial and human resources are allocated for alternative care.

419. The Committee recommends that the State party:

(a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, the introduction of effective legislation, the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies;

(b) Enact the bill on wills and inheritance;

(c) Provide for regular periodic review of the placement of children in institutions, in conformity with article 25 of the Convention;

(d) Review and, if necessary, change its legislation on adoption in order to guarantee that the best interests of the child are fully taken into account as well as other relevant articles of the Convention;

(e) Ratify the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption adopted in 1993 at The Hague; and

(f) Seek technical assistance from UNICEF and other international organizations, including non-governmental organizations.

...

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442. The Committee is also concerned at information on alleged instances of trafficking in children and at the possible use of intercountry adoption for the purpose of trafficking.

443. The Committee recommends that the State party:

(a) Take measures such as a comprehensive programme to prevent and combat the sale and trafficking of children, and conduct an awareness-raising campaign and educational programmes, particularly for parents;

(b) Facilitate, *inter alia*, the reunification of child victims with their families and provide adequate care and reintegration for them;

(c) Ratify the Convention on the Civil Aspects of International Child Abduction adopted in 1980 at The Hague.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 62 and 63.

62. The Committee is concerned that:

(a) As noted in the State party's report, there are insufficient administrative and judicial mechanisms through which children's rights can be protected when they are separated from their parents;

(b) Alternative care for these children is insufficient;

(c) The common use of "informal adoption" procedures can lead to the violation of children's rights.

63. The Committee recommends that the State party:

(a) Strengthen the existing child protection structure or, if necessary, establish new structures through which the rights of the child are well protected;

(b) Establish or strengthen alternative care services (such as kinship, foster care and family type homes), avoiding institutional care as far as possible, and ensure that informal adoption procedures respect and contribute to the protection of the principles and provisions of the Convention;

(c) Provide child protection workers (professionals and volunteers) with training (including on the Convention) and sufficient financial resources to fulfil their role;

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(d) Seek assistance through international cooperation, including from UNICEF.

- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 99, 100, 118 and 119.

99. The Committee welcomes the information provided by the State party on draft laws concerning the rights of the child, including with respect to adoption, guardianship for unaccompanied minors, access to courts and guarantees of due process.

100. The Committee recommends that the State party:

(a) Rigorously review these laws and ensure that they and other laws concerning children, as well as administrative regulations, are rights-based and conform to international human rights standards, including the Convention;

(b) Ensure that adequate provision is made for their effective implementation, including budgetary allocation;

(c) Ensure their speedy promulgation.

...

118. The Committee welcomes the creation of a special bureau for unaccompanied minors in the Aliens Office for handling their requests to stay. It also notes a number of other activities, among others: concerning the establishment of special reception centres for unaccompanied minors; a draft law on the creation of a guardianship service, access to education and missing persons, which contains provisions on unaccompanied minors. But there are not yet, as the Government acknowledges, specific regulations for unaccompanied minors, whether seeking asylum or not.

119. In accordance with the principles and provisions of the Convention, especially articles 2, 3 and 22, and with respect to unaccompanied persons under 18 years of age, the Committee recommends that the State party:

(a) Expedite efforts to establish special reception centres for unaccompanied minors, with special attention to those who are victims of trafficking and/or sexual exploitation;

(b) Ensure that the stay in those centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in the reception centres;

(c) Approve as soon as possible the draft law on the creation of a guardianship service, in order to ensure the appointment of a guardian for an unaccompanied minor from the beginning of the asylum process and thereafter as long as necessary, and make sure that this service is fully independent, allowing it to take any action it considers to be in the best

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interests of this minor;

(d) Ensure unaccompanied minors are informed of their rights and have access to legal representation in the asylum process;

(e) Improve cooperation and exchange of information among all the actors involved, including the Aliens Office and other relevant authorities, police services, tribunals, reception centres and NGOs;

(f) Ensure that, if family reunification is carried out, it is done in the best interests of the child;

(g) Expand and improve follow-up of returned unaccompanied minors.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 165 and 166.

165. The Committee is very concerned that current facilities for the alternative care of children deprived of their family environment are insufficient and only available in the capital, and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care.

166. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children, *inter alia* through the reinforcement of existing structures, specifically extended families, the promotion of foster families, the improved training of staff and the allocation of increased resources to relevant bodies. The Committee recommends that the State party seek assistance from UNICEF in this regard.

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 318, 340 and 341.

318. The Committee recommends that the State party prepare and implement a comprehensive national plan of action for the implementation of the Convention, undertaken through an open, consultative and participatory process. This national plan of action should adopt a rights-based approach and not be limited to protection and welfare. In addition, the Committee recommends that equal attention should be paid both to young and older children. Finally, the Committee recommends that the State party make use of child-impact assessments in the formulation of legislation, budgets and policies.

...

340. The Committee welcomes the entry into force of article 268(c) of the Civil Code which

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will allow adopted children to know their biological parents, and the ratification process, expected to be completed in 2003, of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993. However, the Committee remains concerned that children adopted abroad must wait two years before being formally adopted, which can lead to discrimination and statelessness. In addition, the Committee is concerned that, because of the inadequate follow-up, cases of ill-treatment of children by adoptive parents have been reported.

341. The Committee recommends that the State party take the necessary measures to avoid children adopted abroad becoming stateless or discriminated against because of the time between their arrival in the State party and their formal adoption. In addition, the Committee further suggests that the State party systematically review the conditions of these children by means of an adequate follow-up with a view to eliminating ill-treatment and violations of their rights.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 443, 444, 449, 450, 461 and 462.

443. Acknowledging the State party's efforts to establish an adequate foster care service, the Committee is concerned that:

- (a) There is no legislative basis for foster care procedures;
- (b) The alternative care services for children who have been abandoned by, or who are otherwise separated from, their parents are not sufficient;
- (c) In some instances of "adoption" (especially international adoption), children are handed over for money or with promises of financial assistance to those giving up the child.

444. The Committee recommends that the State party:

- (a) Establish a legal basis for alternative care, including foster care;
- (b) Make use of existing structures, urgently establish alternative care procedures which can provide support, including long-term solutions where needed, for children separated from their parents;
- (c) Give particular attention to the possibility of abuse of adoption procedures for trafficking

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in children and consider, *inter alia*, strengthening monitoring of intercountry adoption and ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;

(d) Seek assistance through international cooperation, including from UNICEF.

...

449. Noting the recent establishment of the Register of Child Abuse, the annual celebration of Child Abuse Awareness and Prevention Month and the active involvement of the Department of Family Services as the body that receives and handles reports of child abuse and neglect, the Committee remains concerned that:

(a) The instance of child abuse, including sexual abuse, is high and, as noted in its report, the State party has made insufficient efforts to address this concern;

(b) The abuse, including sexual abuse, of children often occurs within the family, committed by parents and siblings, and is often hidden;

(c) Some perpetrators of sexual abuse are able to pay money to the families of victims to avoid prosecution and even to perpetuate the abuse;

(d) There are many cases of neglect of children by parents, including the late presentation of a sick child at a hospital or clinic;

(e) Only the police and not the social services have the authority to remove a child from a family situation in which the child is suffering abuse or neglect, and this may add to the trauma suffered by the child.

450. The Committee recommends that the State party:

(a) Undertake a study on the scope and nature of child abuse and neglect;

(b) Address the abuse, including sexual abuse, and neglect of children, giving particular attention to their occurrence within the family, through, *inter alia*, developing a strategy and programmes of prevention, response and support to victims;

(c) In the context of the Committee's recommendation under [paras. 7-16] of these concluding observations:

(i) Strengthen further the capacity of the Department of Family Services and the work of the Register of Child Abuse;

(ii) Establish effective child-sensitive procedures and mechanisms to receive, monitor and

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investigate complaints, and to intervene where necessary;

(iii) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment;

(d) Consider giving the necessary legal authority to the social services to take urgent action to protect children from abuse;

(e) Strengthen its efforts to prosecute persons responsible for perpetrating abuse and provide medical help and counselling to those perpetrators in need of such assistance;

(f) Take all necessary measures to prohibit payment and acceptance of money with the purpose of perpetrators of sexual abuse against children avoiding prosecution, and prosecute the persons concerned;

(g) Provide child victims of abuse with the appropriate medical and psychological support, including recovery and social reintegration assistance for child victims and their families;

(h) Strengthen the education provided to young parents in the care and early attention they should give to their sick children and in the prevention of abuse and neglect;

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

(j) Seek assistance from, among others, UNICEF and the World Health Organization.

...

461. The Committee is concerned that:

(a) The illicit use of drugs and substances by children is increasing, including the use of crack cocaine and marijuana, as well as other substances, and that some of the children abusing drugs and using substances are placed, for this reason, in mental health institutions;

(b) The State party lacks adequate data and treatment programmes in this regard.

462. The Committee recommends that the State party:

(a) Undertake a survey on the scope of substance abuse by children, including the collection of data;

(b) Take action to combat substance abuse by children, including through public education campaigns, and ensure that child drug and substance abusers are not placed in mental

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institutions unnecessarily and have access to effective structures and procedures for treatment, counselling, recovery and reintegration.

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 499, 500, 512 and 513.

499. The Committee notes with concern that there are different procedures for child's protection in the 17 Autonomous Communities and that they are not always compatible with the best interest of the child, especially with regard to children placed in foster families. It further notes that there is an insufficient number of family courts dealing with the protection of children not in conflict with the law and that they take a long time to deal with the judicial procedures.

500. The Committee recommends that the State party:

(a) Ensure that protection procedures for children have a minimum common standard and are compatible with the best interest of the child;

(b) Provide more human and financial resources to family courts so they can deal with their work more expeditiously.

...

512. The Committee is deeply alarmed about the conditions of unaccompanied foreign children, mostly Moroccans, especially in the autonomous cities of Ceuta and Melilla. In particular, it expresses its concern at reports of:

(a) Ill-treatment of children by police during forced expulsion to the country of origin where, in some cases, they were deported without access to legal assistance and interpretation;

(b) Failure to provide for these children the temporary legal residency status to which they are entitled to under the law because the Department of Social Welfare, as their legal guardian, did not apply for it;

(c) Overcrowding and bad conditions of residential centres and cases of ill-treatment by residential centre staff and other children;

(d) Denial of access to health care and education, although guaranteed by law;

(e) Summary expulsions of children without ensuring that they are effectively returned to family or social welfare agencies in their country of origin.

513. The Committee recommends that the State party urgently take the necessary measures in order to:

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- (a) Ensure the implementation of Organizational Act 4/2000 and other laws by providing to unaccompanied foreign children access to residential care, education, emergency services and other health care, and temporary residency documents;
- (b) Provide the autonomous cities of Ceuta and Melilla with the necessary financial and human resources for the care of these children;
- (c) Coordinate with the Government of Morocco to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency;
- (d) Take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children;
- (e) Investigate in an effective way reported cases of ill treatment of these children;
- (f) Provide unaccompanied foreign children with information about their rights under Spanish and international law, including the right to apply for asylum;
- (g) Take all necessary measures to improve the conditions and safety of residential centres and adequately train residential centre staff;
- (h) Establish effective mechanisms to receive and address complaints from children in care, monitor standards of care and, in light of article 25 of the Convention, establish regular periodic review of placements;
- ...

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 565 and 566.

565. The Committee expresses its concern that:

- (a) Current facilities available for the alternative care of children deprived of their family environment are insufficient, in particular in the Windward Islands where no foster homes are available;
- (b) The Island Ordinances on alternative care have not been sufficiently implemented, monitoring and follow-up of placements in institutions is inadequate, and personnel available in this field are insufficiently trained.

566. The Committee recommends that the Netherlands Antilles:

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- (a) Develop programmes to facilitate alternative care, in particular foster care in the Windward Islands;
 - (b) Strengthen efforts to improve the quality of care available, including through the implementation of the Ordinances on alternative care for all islands;
 - (c) Provide training, including in children's rights, for social and welfare workers;
 - (d) Ensure that placements in institutions are periodically reviewed, as required under article 25 of the Convention;
 - (e) Establish an independent complaint mechanism for children in alternative care institutions;
 - (f) Strengthen its collaboration with NGOs in this area, and consider renewing its support to NGOs providing alternative care facilities.
- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 65-68.
 - 65. The Committee is deeply concerned that Law N.10.903 of 1919 and Law N.22.278, which are currently still in force and based on the doctrine of “irregular situation”, do not distinguish between children in need of care and protection and those in conflict with the law, in terms of judicial procedures and treatment.
 - 66. The Committee recommends that the State party establish appropriate mechanisms and procedures to address the situation of children in need of care and protection that can be implemented immediately once the draft law on the comprehensive protection of the rights of the child currently under consideration (*media sanción*) comes into force, replacing Laws N.10.903 and N.22.278.
 - 67. The Committee expresses its serious concern about the number of children, in particular children from poor families, who are deprived of a family environment and placed in public assistance institutions or residential homes, often far from their home.
 - 68. In light of article 20 of the Convention, the Committee recommends that the State party:
 - (a) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;
 - (b) Place children in institutions only as a measure of last resort;

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(c) Take all necessary measures to improve conditions in institutions;

(d) Provide support and training for personnel working in institutions;

(e) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 125-127, 131, 132, 139 and 140.

125. The Committee is particularly concerned at recent figures according to which between April 2000 and February 2002, 296 children sustained injuries as a result of restraints and measures of control applied in prison. In addition, the Committee is concerned at the frequent use of physical restraint in residential institutions and in custody, as well as at the placement of children in juvenile detention and in solitary confinement in prisons.

126. The Committee urges the State party to review the use of restraints and solitary confinement in custody, education, health and welfare institutions throughout the State party to ensure compliance with the Convention, in particular articles 37 and 25.

127. The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland following its 1995 recommendations ([CRC/C/15/Add.34], para. 32), but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland. It welcomes the adoption by the National Assembly for Wales of regulations prohibiting corporal punishment in all forms of day care, including childminding, but is very concerned that legislation prohibiting all corporal punishment in this context is not yet in place in England, Scotland or Northern Ireland.

...

131. ...[T]he Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the prevalence of violence, including sexual violence, throughout the State party against children within families, in schools, in institutions, in the care system and in detention. It also notes with deep concern the growing levels of child neglect. The Committee is alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered. The Committee welcomes the steps taken by the Government to support child witnesses in court, but notes the lack of public education on the role of the child protection system.

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132. In line with its previous recommendations ([CRC/C/15/add.34], para. 31) and in light of articles 3, 6, 12, 19 and 37 of the Convention, the Committee recommends that the State party:

- (a) Introduce a system of statutory child death inquiries;
- (b) Develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;
- (c) Ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;
- (d) Carry out large-scale public education campaigns and programmes, including through the schools, aimed at reducing child deaths and child abuse with information on the role of statutory and other services in protecting children;
- (e) Establish effective procedures and mechanisms to receive, monitor, investigate and prosecute instances of abuses, ill-treatment and neglect, ensuring that the abused child is not victimized in legal proceedings and that her/his privacy is protected;
- (f) Record in the British Crime Survey all crimes committed against children;
- (g) Provide for the care, recovery and reintegration of victims;
- (h) Strengthen the reporting system, through full support for the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

...

139. ...The Committee is particularly concerned that children deprived of their liberty in prisons and juvenile detention centres do not have a statutory right to education, that their education is not the responsibility of the departments responsible for education, and that they do not have support for special education needs...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

...

- (d) Ensure that children in detention have an equal statutory right to education and improve education for children in care;

...

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- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 197 and 198.

197. Acknowledging the State party's efforts to develop a foster care system, the Committee is concerned at the persistent lack of alternatives to residential care for children deprived of a family, and at the high proportion of children placed in institutions because of social or economic problems affecting their families. Furthermore, the Committee is deeply concerned that there is no periodic review of private or public alternative care facilities and that private and public institutions are not subject to the same standards or procedures.

198. The Committee recommends that the State party review its policies on alternative care for children deprived of a family with a view to developing a more integrated and accountable system of care and support by:

- (a) Strengthening and expanding the foster care system through improved training of social workers and increased counselling and support for foster families;
- (b) Enhancing coordination between all persons involved in the care of children deprived of a family environment, including police, social workers, foster families and the staff of public and private orphanages;
- (c) Establishing a set of standards and procedures for all public and private organizations working with these children that encompass the principles of the best interests of the child and respect for the views of the child and that ensure that their placement is periodically reviewed, in accordance with article 25 of the Convention.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 256, 257, 260 and 261.

256. The Committee is concerned that:

- (a) Widespread and severe poverty, and the disruption of family life by war, famine and related population displacement have seriously weakened the family environment of massive numbers of children within the State party;
- (b) The severe legal penalties applied to women who become pregnant outside of marriage are such that many women and adolescent girls seek to conceal their pregnancies and then abandon their newborn children, and that the survival rate of these children is extremely low.

257. The Committee recommends that the State party:

- (a) Assess the scope of problems faced by children in the realization of their right to a family environment and take urgent action to strengthen its support to the family;

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(b) Give particular attention to the protection of children born out of wedlock and ensure that their mothers receive protection and support.

...

260. Noting the breakdown of many families and extended family networks, the Committee is concerned that there are insufficient alternative care mechanisms to provide for children in need of such care and that existing mechanisms need to be strengthened.

261. The Committee recommends that the State party:

(a) Strengthen and extend alternative care mechanisms and take all necessary measures to provide children separated from their parents with family-type alternative care (e.g. by strengthening the capacity of extended family and increasing the availability of quality foster care);

(b) Ensure that the rights of children in need of alternative care are fully protected;

(c) Seek technical cooperation from UNICEF in this regard.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 339-343.

339. The Committee is concerned 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, 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. The Committee also expresses concern at the low quality of care in some institutions and at the condition of these institutions.

340. The Committee is concerned that alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available. The Committee is further concerned that children lack effective mechanisms to communicate concerns and complaints about their placement.

341. In light of article 20 of the Convention, the Committee recommends that the State party:

(a) Consider establishing or strengthening at the national, regional and local levels the mechanism in charge of alternative care within the system of social welfare;

(b) Take effective measures, including the development of strategies and awareness-raising activities, to prevent or reduce the abandonment of children;

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- (c) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;
- (d) Place children in institutions only as a measure of last resort and as a temporary measure;
- (e) Take all necessary measures to improve conditions in institutions, in accordance with article 3, paragraph 3, of the Convention, and to increase the participation of children;
- (f) Provide support and training for personnel in institutions, including social workers;
- (g) Continue to monitor standards of care and, in light of article 25 of the Convention, establish periodic review of placement;
- (h) Provide adequate follow-up and reintegration support and services for children who leave institutional care.

342. The Committee regrets that its previous recommendation that the State party consider ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 has not yet been followed up ([CRC/C/15/Add. 42], para. 28). The Committee is concerned that adopted children do not have the right, as far as possible, to know the identity of their biological parents.

343. The Committee reiterates its recommendation that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, of 1993. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party undertake all necessary measures to allow all adopted children to obtain information on the identity of their parents to the extent possible.

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 400, 401 and 420.

400. The Committee notes the development of the Child Care Reform and the establishment of the Working Group for Alternatives to Institutionalization, but expresses its serious concern at the large number of children who are placed in institutions as a measure of social protection. It further notes with concern that children, in those institutions, are neglected and ill-treated and, because of a lack of resources, are not provided with adequate housing and care and appropriate basic services.

401. In light of article 20 of the Convention, the Committee recommends that the State party:

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- (a) Fully implement the Child Care Reform by providing it with the necessary human and financial resources;
- (b) Take effective measures to develop alternative measures to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;
- (c) As preventive measures, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education, counselling and community-based programmes for parents;
- (d) Take all necessary measures to improve conditions in institutions (article 3, paragraph 3, of the Convention);
- (e) Take all necessary measures to prevent neglect and ill-treatment of children in institutions and provide support and training for personnel in institutions, including social workers;
- (f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement;
- (g) Provide adequate follow-up and reintegration support and services for children who leave institutional care.

...

420. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances curtailed Romani children's right to education, health and social welfare.

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 461-464, 469 and 470.

461. While noting the ratification by the State party of the Hague Convention on the Civil Aspects of International Child Abduction, of 1980, and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993, the Committee is concerned at the very little interest in formal adoption in the State party, which may lead to the practices of *confiage* and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.

462. The Committee recommends that the State party urgently take all necessary measures aiming at ending the practices of *confiage* and customary adoption and at improving the

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regular periodic review of the placement of children with adoptive families. In addition, the Committee recommends that the State party undertake efforts to enhance its capacities to monitor intercountry adoptions.

463. While noting that child abuse is prohibited under the Penal Code, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party and that insufficient efforts have been made to protect children. In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, as well as the insufficient infrastructure.

464. The Committee recommends that the State party:

(a) Undertake a study on violence, including sexual violence, against children within the family, at school and in other institutions in order to assess the scope, nature and causes of this practice with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;

(b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;

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

(d) Establish an appropriate complaint procedure and inform children about this mechanism;

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

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

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

...

469. While noting the establishment of a National Anti-AIDS Committee and of the National Youth Forum to Fight against HIV/AIDS, and the efforts of the State party in that respect (e.g. agreement with pharmaceutical companies to secure access to low-priced AIDS drugs), the Committee remains extremely concerned at the high incidence and increasing

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prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS.

470. The Committee recommends that the State party:

...

(b) Urgently 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 family life, adoption, emotional care and education;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 523, 524, 527-530, 533 and 534.

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

524. The Committee recommends that the State party:

(a) Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and society at large, on children's right to have their views taken into account and to participate in matters affecting them.

...

527. The Committee notes the establishment of the "Blue Card" programme to address family violence, but is concerned that child abuse, and violence in the home and in schools, remain a problem in the State party and that there is no national system to receive and address complaints of child abuse and neglect. It is also concerned that victims of abuse and their families receive limited support for recovery and reintegration. Furthermore, the Committee is concerned that corporal punishment is widely practised in the home, in schools and other institutions, such as prisons, and in alternative care contexts.

528. The Committee recommends that the State party:

(a) Establish a national system for receiving, monitoring and investigating complaints, and when necessary prosecuting cases, in a child-sensitive manner, and provide training for law

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enforcement officials, social workers and prosecutors in this regard;

(b) Set up a comprehensive and nationwide response system designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, particularly in communities where the local administration does not have sufficient resources to set up a family crisis centre;

...

(d) Expressly prohibit corporal punishment in the home, schools, and all other institutions;

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

529. The Committee is concerned at the large number of children in the State party living in institutions, a significant proportion of whom are “social” rather than natural orphans.

530. The Committee recommends that the State party:

(a) Ensure periodic review of placement of children in institutions which takes into account the views and best interests of the child while aiming, whenever possible, at reintegrating them into their families, with appropriate counselling and support, or at finding other forms of care than institutionalization;

(b) Expand the foster-care system by providing greater financial support to foster families and increasing the counselling and support mechanisms for foster families;

(c) Upgrade the capacity and skills of social workers so that they are better able to intervene and assist children in their own environment;

(d) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their right to social protection.

...

533. The Committee is concerned that children with disabilities do not all have the opportunity to attend integrated schools and education programmes, and that in some cases children with disabilities are institutionalized or do not attend school regularly owing to a lack of appropriate programmes close to their homes.

534. The Committee recommends that the State party:

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(a) Develop a time-bound plan for reducing the number of children with disabilities living in institutions and integrating them into mainstream education and vocational training programmes, as well as social, cultural and leisure activities;

(b) Provide sufficient financial, human and organizational resources to *powiats* to ensure that they all offer integrated educational facilities that are accessible and appropriate to children with disabilities that will ensure their full participation in society.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 588-591.

588. The Committee welcomes the many efforts of the State party to prevent and combat all forms of violence and abuse within the family, in schools and in other institutions which care for children, but is concerned at the apparently limited impact of these efforts owing to, among other things, the lack of a comprehensive strategy and adequate resources.

589. The Committee recommends that the State party:

(a) Establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and in other institutions caring for children, which should include, among other things, a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address these practices;

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

(c) Strengthen procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(d) Allocate sufficient resources for the provision of care, recovery and reintegration for victims;

(e) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

590. The Committee notes the efforts (e.g. training and support programmes) of the State party to improve the care provided by foster families, but remains concerned that a relatively high number of children continue to live in residential care.

591. The Committee recommends the State party further strengthen the foster care system by, among other things, conducting public programmes to increase the number of foster

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families and providing sufficient financial and other resources.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 54, 55 and 58-61.

54. The Committee welcomes the priorities as described in the State party's report to support the family structure, but remains concerned that there is a high number of children in institutions and that:

(a) According to the report submitted by the State party, 27.6 per cent (1999) of children in shelters are placed there because of their difficult economic conditions;

(b) Conditions in institutions are poor and the system of periodic review of placement does not adequately take into account the views and best interests of the child by providing appropriate counselling and support or finding forms of alternative care;

(c) There is insufficient collection of adequate data.

55. The Committee recommends that the State party:

(a) Undertake a comprehensive study on the phenomenon of institutionalization of children;

(b) Promote the family as the best environment for the child, through counselling and community-based programmes as well as financial support to assist parents in raising children at home;

(c) Continue to increase and strengthen foster care, family-type foster homes and other family-based alternative care;

(d) Place children in institutions only as a measure of last resort;

(e) Take all necessary measures to improve standards and conditions in institutions;

(f) Ensure that children in institutions enjoy all the rights set forth in the Convention, including the right to maintain personal relationships and direct contact with their parents and families on a regular basis;

(g) Provide support and training for personnel in institutions, including social workers;

(h) Establish effective mechanisms for complaints from children in care and for monitoring standards of care and establish efficient regular periodic review of placement, taking into account the best interests of the child;

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(i) Provide adequate follow-up and reintegration services for children who leave institutional care.

...

58. The Committee is concerned that there is no effective system for the screening of foster or adoptive parents, including national standards and efficient mechanism to prevent the sale and trafficking of children, to review, monitor and follow up the placement of children, and to collect statistics on foster care and adoption, including intercountry adoption.

59. In the light of articles 20 and 21 of the Convention, the Committee recommends that the State party:

(a) Establish a comprehensive national policy and guidelines governing foster care and adoption;

(b) Establish a central monitoring mechanism in this regard.

60. The Committee appreciates the many efforts made in this field, as well as the fact that the State party acknowledges that challenges remain with regard to guaranteeing children with disabilities the rights contained in the Convention, integrating them in mainstream education and providing support for families...

61. The Committee recommends that the State party:

...

(b) Provide early childhood care and special education for children with disabilities;

(c) Make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes;

(d) Undertake awareness-raising campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities;

...

(g) Take measures to remove physical barriers to enable effective access of children with disabilities to schools and other institutions and services in a manner conducive to the child's achieving the fullest possible social integration and individual development.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 87, 88 and 118-121.

87. The Committee remains very concerned at the State party's reservations to articles 9, paragraph 3, 21, paragraph (a), and 40, paragraph 2 (b) (v).

88. ...The State party is...encouraged to expedite the process of reforming the Civil Act so

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that both children and parents are guaranteed the right to maintain contact with each other, and to strengthen its efforts to change public attitudes to domestic adoption, in order to withdraw the reservations to articles 21, paragraph (a), and 9, paragraph 3, in accordance with the Vienna Declaration and Programme of Action, adopted in 1993.

...

118. The Committee notes the State party's establishment of group homes as an alternative to the Institutionalization of children separated from their families. However, it is concerned that the establishment of group homes and the development of the foster care system remain limited, and that private alternative care institutions are not subject to governmental regulations or regular inspections.

119. The Committee recommends that the State party:

(a) Continue to expand the number of group homes and the foster care system, in particular by providing greater financial support to foster families and increasing the counselling and support mechanisms for foster families;

(b) Ensure the periodic review of placement of children in all public and private institutions, which takes into account the views and best interests of the child and, wherever possible, aims to reintegrate children into a family environment;

(c) Increase the number of social workers and upgrade their skills and capacity to provide assistance to children in alternative care and to vulnerable families.

120. The Committee remains concerned that, due to prevailing negative cultural traditions, domestic adoptions may be arranged without authorization or involvement of the competent authorities and that such arrangements do not necessarily take into account the best interests of the child or, where appropriate, the views of the child. The Committee also notes with concern the high number of intercountry adoptions, suggesting that this form of adoption is not necessarily a measure of last resort, and reiterates its concern, stated in previous concluding observations, that the State party has not ratified the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

121. The Committee reiterates its previous recommendation to the State party and calls for:

(a) A comprehensive review of the system of domestic and intercountry adoptions with a view to reforming legislation in order to bring it into full conformity with the principles and provisions of the Convention on the Rights of the Child, in particular article 21;

(b) The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

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- Italy, CRC, CRC/124 (2003) 36 at paras. 168, 169 and 174-177.

168. The Committee is concerned that adopted children cannot know the identity of their natural parents even after having reached majority and when this is proved to be in their best interests. The Committee is further concerned that children born out of wedlock legally do not have a mother or a father unless they are recognized by their mothers and/or fathers.

169. In the light of article 7 of the Convention, the Committee recommends that the State party:

(a) Ensure, as far as possible, respect for the child's right to know his or her parents' identity should he/she be an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents;

(b) Urgently review and amend legislation in order to ensure that children born out of wedlock legally have from birth a mother (in accordance with the European Court on Human Rights decision *Marckx v. Belgium* and the rule *mater semper certa est*) and encourage recognition of these children by their fathers (as a way to prevent "easy" abandonment of children);

(c) Ratify the European Convention on the Legal Status of Children Born out of Wedlock.

...

174. The Committee notes with concern that Law 184/83 (as amended by Law 149/2001) regarding adoption and foster care has not been widely implemented throughout the State party and that there are still more children placed in institutions than in foster care. The Committee also expresses its concern at the high number of children who are placed in institutions for social protection purposes and sometimes together with juvenile offenders. In addition, the Committee is concerned that, according to a 1998 study of the National Documentation and Analysis Centre for Children and Adolescents, the period of stay in institutions can be very long, contact with the family is not always guaranteed and that 19.5 per cent of these institutions do not have proper authorizations.

175. In the light of article 20 of the Convention, the Committee recommends that the State party:

(a) Take all necessary measures to ensure the implementation of Law 184/83;

(b) As a preventive measure, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education and counselling of parents and community-based programmes;

(c) Take effective measures to develop alternative forms to institutionalization, such as

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foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;

(d) Ensure regular inspections of institutions by independent bodies;

(e) Establish effective mechanisms for receiving and addressing complaints from children in care, monitor standards of care and, in the light of article 25 of the Convention, establish regular periodic review of placement.

176. The Committee welcomes the State party's ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned at the different proceedings and costs of domestic adoption, depending on the authorized agency involved.

177. In the light of article 21 of the Convention, the Committee recommends that the State party take the necessary measures:

(a) To harmonize proceedings and costs of domestic adoption among authorized agencies throughout the State party;

(b) To conclude bilateral agreements with (sending) countries that have not ratified the aforementioned Hague Convention.

- Romania, CRC, CRC/124 (2003) 49 at paras. 226, 227 and 234-239.

226. The Committee notes the information provided by the State party that the principle of the "best interests of the child" lies at the foundation of its strategy in the field of child protection. However, it remains concerned that this is not fully incorporated into legislation.

227. The Committee, in line with its previous recommendations ([CRC/C15/Add.16], para. 14), recommends that the State party ensure that the best interests of the child shall be a paramount consideration in all legislation and policies affecting children, and take proactive measures to promote the full understanding and practical implementation of this principle.

...

234. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing number of single-parent

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families, parental abuse and neglect, and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

235. The Committee recommends that the State party:

- (a) Develop a comprehensive child-centred family policy;
- (b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;
- (c) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;
- (e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;
- (f) Provide support to families and young pregnant girls;
- (g) Undertake campaigns to reinforce the responsibilities of fathers for their children.

236. The Committee notes the introduction of the government programme of deinstitutionalization of children initiated in 2001 and welcomes the information that over the past two years many institutions have been closed down. Nevertheless, it remains concerned:

- (a) At the very low quality of care and the harsh conditions in some of these institutions;
- (b) That children may be removed from their families because of their health status, or the difficult economic situation faced by their parents;
- (c) That alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available;
- (d) That children lack effective mechanisms to which they can communicate concerns and complaints about their placement;

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(e) That children who are cared for in institutions for many years, until the age of 18, are not provided with the educational and vocational skills necessary for them to make an independent living once they leave the institution.

237. The Committee recommends that the State party:

(a) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;

(b) Place children in institutions only as a measure of last resort and as a temporary measure;

(c) Take all necessary measures to improve conditions in institutions;

(d) Increase the effective participation of children living in institutions;

(e) Guarantee the right to periodic review under article 25 of the Convention;

(f) Provide adequate follow-up and reintegration support and services for children who leave institutional care;

(g) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding their future placement, and that these children retain their rights to social protection;

(h) Improve the training of social workers to enhance their ability to intervene and assist children.

238. The Committee welcomes the initiatives undertaken to follow up on the previous recommendations of the Committee ([CRC/C/15/Add.16], para. 18) and notes that adoption legislation is being revised. The Committee further notes that intercountry adoptions were suspended in October 2001, but that this suspension was not absolute since more than 1,500 intercountry adoptions took place in 2002 and 600 such cases are currently under consideration.

239. The Committee recommends that the State party:

(a) Expedite the adoption of the revised law on adoption and ensure that this new legislation is in full conformity with the Convention and other international standards, in particular the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption;

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- (b) Ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the new adoption legislation;
 - (c) Ensure that the cases of intercountry adoption still under consideration are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993;
 - (d) Explore ways to encourage national adoptions so that recourse to intercountry adoption becomes a measure of last resort.
- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 302, 303, 310 and 311.
 - 302. The Committee is concerned about the high number of intercountry adoptions, suggesting that this form of adoption is not necessarily a measure of last resort. It also notes with concern reports that some intercountry adoptions do not adhere to international standards.
 - 303. The Committee recommends that the State party continue and strengthen its efforts to enforce domestic laws and regulations on adoption, and ratify the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.
...
 - 310. The Committee is concerned that HIV/AIDS is spreading and increasingly affects children, either because they have been infected or because they may have lost parents to the disease.
 - 311. The Committee recommends that the State party take into account the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I), and:
...
 - (b) Take all effective measures to avoid institutionalization of children infected and affected by HIV/AIDS;
 - ...
- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 329, 330, 352, 353, 360-366, 369, 370, 377, 378, 384 and 385.
 - 329. The Committee regrets that the State party has not withdrawn its reservation to article 7, paragraph 1, of the Convention. Based on the dialogue, it is the Committee's understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents.

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330. The Committee therefore recommends that the State party reconsider its position and withdraw its reservation.

...

352. While noting that the principle of the “interest and welfare” of the child is contained in the Act on the Family and in the Law on Social and Legal Protection of Children, the Committee is concerned that the principle of primary consideration for the best interests of the child is still not adequately defined and reflected in all legislation, court decisions and policies affecting children. Furthermore, the Committee is concerned that there are insufficient research and training for professionals in this respect.

353. The Committee, in line with its previous recommendations ([CRC/C/15/Add.81], para. 30), recommends that the principle of the best interests of the child in article 3 be appropriately analysed with regard to various situations (such as separation from parents, review of placement) involving the child or groups of children (e.g. minorities) and integrated into all revisions to legislation concerning children and legal procedures in courts, as well as into judicial and administrative decisions and into projects, programmes and services which have an impact on children. The Committee encourages the State party to ensure that research and educational programmes for professionals dealing with children are reinforced and that article 3 of the Convention is fully understood and that this principle is effectively implemented.

...

360. The Committee notes the efforts of the State party aimed at increasing the protection of children from various forms of abuse and neglect, including sexual abuse, such as the amendment to the Act on Misdemeanours (Law No. 360/1999 Coll.), and welcomes the significant efforts by NGOs in this respect. However, the Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very small portion of reported cases of suspicion of abuse and neglect are investigated. It is also concerned at the lack of an integrated system of services and that problems of child abuse and neglect are often solely addressed in an ad hoc manner by NGOs. Furthermore, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW), domestic violence is prevalent and is not specifically addressed in legislation, awareness among professionals and the public is low and support for victims is insufficient.

361. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment, and that it is practised in the family, in schools and in other public institutions, including alternative care contexts.

362. The Committee recommends that the State party take action to address ill-treatment

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and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, *inter alia*:

- (a) Enacting legislation to adequately protect minorities from racially motivated attacks;
- (b) Ensuring that allegations of ill-treatment by the police and police misconduct are promptly, thoroughly and impartially investigated by an independent authority and that those responsible are identified and brought before a competent tribunal that will apply sanctions provided for by the law;
- (c) Developing an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, avoiding repeatedly interviewing child victims of abuse, in order to ensure better protection of child victims, including the protection of their right to privacy;
- (d) Adopting and implementing effectively adequate multidisciplinary measures and policies, including public campaigns, to prevent and address cases of child abuse and neglect and contribute to changing attitudes;
- (e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;
- (f) Taking all the necessary steps to enact legislation prohibiting the use of corporal punishment in schools, institutions, in the family and in any other context;
- (g) Making use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment and ensure that this is adhered to;
- (h) Taking measures for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, including by providing counselling, care, recovery and reintegration programmes for victims as well as perpetrators, in accordance with article 39 of the Convention;
- (i) Taking into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111).

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient

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assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

(a) Urgently improve professional support and counselling for families by ensuring the availability of qualified staff and resources and that children are able to maintain contact with both parents, in accordance with articles 3, 6 and 12 of the Convention;

(b) Undertake a comprehensive review of all legislation, policies and administrative decisions related to children within the family in order to assess their impact on the family as a whole with a view to the adoption of a family policy. The Committee further encourages the State party to adopt a family policy including a minimum of social security for the child and the family, housing and social services, provision for managing both parents' work and their childcare responsibilities, women's and single parents' status, child maintenance, maternity and paternity leave and other family-related issues;

(c) Adopt and implement international and domestic legislation to address these concerns, including the 1973 Hague Convention on the Law Applicable to Maintenance Obligations.

365. The Committee notes the adoption of the Act of Residential Care in 2002, but is concerned that it has not addressed the full range of rights covered by the Convention. The Committee also notes that children may be placed in institutions under the jurisdiction of three different ministries and that a court may order reformatory (preventive) upbringing of a child below the age of 15, which means in practice that such a child will be placed in the same institution as juvenile delinquents. The Committee welcomes the policy of deinstitutionalization, but remains deeply concerned at the increasing number of children placed in institutions by preliminary injunction and at the frequent use of this special measure, which can be revoked only after a lengthy and complex procedure. Furthermore, the Committee is concerned that the general principles of the Convention are not always observed in such situations and that:

(a) Institutional responses to providing assistance to children in difficulty are predominantly used and a disproportionately large number of children are placed in a residential institutional care environment;

(b) Temporary measures may be extended for lengthy periods and that there are no regulations for review of placement;

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- (c) Children are often placed at significant distances from parents, who, in turn, may not be aware of their visiting rights; punitive measures such as limitation of phone calls or meetings with parents may also be used;
- (d) Contacts with parents are sometimes made conditional upon the behaviour of children in care;
- (e) The conditions and treatment of children in some institutions may not be provided in a manner consistent with the evolving capacities of the child and the obligation to ensure his or her survival and development to the maximum extent possible;
- (f) Institutions are large and an individual approach to each child is lacking, child participation is minimal, and treatment in some institutions (such as diagnostic institutions) may have undesirable effects.

366. The Committee recommends that the State party:

- (a) Establish or strengthen, at the local level, the mechanism for alternative care within the system of social welfare and take effective measures to facilitate, increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;
- (b) Take effective measures to strengthen preventive efforts aimed at reducing the number of children deprived of a family environment due to social problems or in other crisis situations, and ensure that placement in an institution is for the shortest time possible, subject to regular review in accordance with article 25;
- (c) Ensure that issuance of preliminary orders by courts is used as a temporary measure and that the best interests of the child remain a primary consideration;
- (d) Ensure that children under 15 years of age are not placed in the same institutions as juvenile delinquents, in conformity with the principles and provisions of the Convention;
- (e) Take all necessary measures to improve conditions in institutions, in accordance with article 3 of the Convention, and increase the participation of children;
- (f) Provide support and training for personnel in institutions, including social workers;
- (g) Provide adequate follow-up and reintegration support and services for children leaving institutional care.

...

369. The Committee welcomes information on the national plan to equalize opportunities

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for citizens with medical disabilities and is encouraged by the growing number of children with disabilities who are integrated into mainstream education; however, the Committee is concerned that:

(a) The previous recommendation of the Committee ([CRC/C/15/Add.81], para. 37) has been insufficiently addressed and that institutionalization of children with disabilities remains high. The Committee notes the concern expressed by the Committee on Economic, Social and Cultural Rights at the inadequacy of measures to ensure a decent life for persons with disabilities, including the mentally ill (E/C.12/1/Add.76, para. 20);

(b) Most public assistance activities are carried out by NGOs without significant support from the State party.

370. The Committee recommends that the State party:

(a) Implement measures to provide an alternative to the institutionalization of disabled children;

(b) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially those living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(c) 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, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

...

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special needs of these persons and the systematic recording of information on unaccompanied minors since 1998. The Committee welcomes the ratification by the State party of the Convention on the Reduction of Statelessness of 1961 and notes the intention of the Government to ratify the Convention relating to the Status of Stateless Persons of 1954. It also recognizes the cooperation with the Office of the United Nations High Commissioner for Human Rights (UNHCR) in the drafting process of the new Foster Care Law defining modalities of education and accommodation for foreigners who are also unaccompanied minors. However, the Committee remains concerned that:

(a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions

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which are not equipped to provide the special care these children require;

- (b) Children may be placed in detention facilities for foreigners for prolonged periods;
- (c) Compulsory school attendance is not always observed.

378. The Committee recommends that the State party:

- (a) Guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group;
- (b) Avoid any form of detention of asylum-seekers under 18 years of age;
- (c) Facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance;
- (d) Pursue implementation of the new foster care modalities contained in the 2002 legislation.

...

384. The Committee is concerned that there is a growing number of children living on the street in urban areas vulnerable to, *inter alia*, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition. Furthermore, the Committee notes that the primary response to the situation of these children, as described by the State party in its report, is institutionalization.

385. The Committee recommends that the State party:

- (a) Strengthen its efforts to identify the numbers of street children with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;
- (b) Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services;
- (c) Strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization;
- (d) Continue to support NGOs to assist these children;
- (e) Strengthen the support and assistance to families in this respect.

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- Haiti, CRC, CRC/124 (2003) 95 at paras. 430-433.

430. The Committee is particularly concerned about the high number of children who are separated from their parents. The Committee is further concerned at the fact that the views of the child are not taken into consideration when such a decision is taken and that the Social Welfare and Research Institute does not carry out a periodic review of placement of all children separated from their parents.

431. In the light of articles 9, 12, 20 and 25 of the Convention, the Committee recommends that the State party:

- (a) Ensure that a child shall not be separated from his or her parents against his/her will, unless such separation is in the best interests of the child and if it has been decided by a competent authority, subject to judicial review;
- (b) Ensure that a child who is temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance;
- (c) Ensure that the child is given an opportunity to participate in the proceedings and that he or she can make his or her views known;
- (d) Undertake all necessary efforts to allow the Institute for Social Welfare and Research to carry out a periodic review of placement of all children separated from their parents, whether in institutions or in foster families.

432. The Committee is concerned at the increase in intercountry adoptions without an adequate monitoring mechanism.

433. The Committee recommends that the State party:

- (a) Ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;
- (b) Undertake efforts to enhance its capacities to monitor intercountry adoptions so as to ensure full observance of article 21 and other relevant provisions of the Convention.

- Iceland, CRC, CRC/124 (2003) 109 at paras. 464, 465, 468 and 469.

464. The Committee notes the information provided by the delegation concerning steps being taken by the State party to comply fully with articles 9 and 37 of the Convention

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(namely the provisions in the 2002 Child Protection Act and a proposed law expected to be passed soon giving courts the sole power to decide in child protection cases; and the 1998 agreement between the Prison and Probation Administration and the Governmental Agency for Child Protection to allow prisoners under 18, at their request, to be detained in treatment homes under the supervision of the Agency). Nevertheless, the Committee regrets that the State party has not yet withdrawn its declaration on article 9. Moreover, it considers that the 1998 agreement falls short of a legal guarantee of separation from adults, as contained in article 37 (c) of the Convention.

465. The Committee recommends that the State party:

(a) Expedite the promulgation of legislation to ensure full compliance with article 9 of the Convention

(b) Guarantee by law the separation of detained children and adults, in accordance with article 37 (c) of the Convention.

468. The Committee welcomes the State party's efforts to formulate a comprehensive, intersectoral national child rights policy. It further welcomes the requirements under the 2002 Child Protection Act for the submission of four-year action plans on child protection by the Ministry of Social Affairs, as well as by each municipal authority.

469. The Committee recommends that the State party:

...

(b) Continue to ensure that the preparation and implementation of the national plan on child rights, as well as those plans required under the 2002 Child Protection Act, are based on human rights and are undertaken through an open, consultative and participatory process;

(c) Continue to ensure that adequate resources to implement the plans are provided, especially at the municipal level (i.e. through the municipal equalization funds).

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 27, 55, 56, 59 and 60.

27. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

...

(e) To provide alternative care, while avoiding institutionalization, of children that have been orphaned due to past armed conflicts.

...

55. The Committee is concerned at the lack of data on ill-treatment of children, including child abuse and corporal punishment. It also notes with concern that corporal punishment

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is not expressly prohibited by law and is widely practised in the home and in institutions.

56. The Committee recommends that the State party:

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

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children and, in collaboration with community leaders and others, promote positive, non-violent forms of discipline as an alternative to corporal punishment;

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

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints of abuse, including intervening where necessary, and ensure that victims have access to assistance for their recovery;

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

...

59. The Committee welcomes the State party's efforts to place orphans with their extended families while providing these families, in particular female-headed households, with financial assistance. The Committee also welcomes the information provided during the dialogue that the criteria for potential adoptive families are not as narrow as presented in the State party report (para. 169). The Committee welcomes the State party's efforts to phase out large-scale orphanages and other institutions and to place children in group homes only as a last resort, but remains concerned that existing services are insufficient to provide for the large number of orphans, including AIDS orphans, and unaccompanied refugee or displaced children.

60. The Committee recommends that the State party continue to strengthen and expand its efforts to place children in need of alternative care with their extended families and to promote adoption of these children when appropriate. The Committee also recommends that the State party continue and expand as necessary its programme for the establishment of children's group homes, and seek international assistance in this regard.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 129-132.

129. The Committee notes the existence of alternative care services like foster families and home-care services and that placement in an institution is used as a solution of last resort.

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However, the information provided in the written replies shows that, in practice, the number of children in institutions is rising while the number of children in foster care is decreasing.

130. The Committee recommends that the State party:

(a) Continue to take measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care by providing greater financial assistance and increasing the counselling and support mechanisms for foster families;

(b) Ensure that children are placed in institutions only as a measure of last resort and that effective mechanisms are established to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to undertake regular periodic review of placement.

131. The Committee notes that the Adoption Law of 1995 includes the principle of the best interest of the child as a prerequisite for the adoption process and welcomes the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The lack of information on intercountry adoption is a concern because it is a form of adoption vulnerable to misuse, *inter alia*, for improper financial gain, child labour or other forms of exploitation.

132. The Committee recommends that the State party introduce the necessary measures to effectively monitor and supervise the system of adoption of children, in the light of article 21 of the Convention. It also recommends that adequate training be provided to professionals involved in the adoption process.

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 181, 182, 187-190, 193 and 194.

181. The Committee notes that the Constitutional Court has outlawed the practice of corporal punishment (*John Banda v. the People*, HPA/6/1998), but remains concerned that corporal punishment is still practised and accepted in schools, families, and care and juvenile detention institutions.

182. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, in schools and care institutions, as well as in families. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

...

187. The Committee notes the information that children deprived of a family environment (orphans and other vulnerable children) should be cared for by the extended family and that

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foster care is supported by special fees paid to foster parents, but is concerned that these forms of alternative care are not sufficiently encouraged and supported.

188. The Committee recommends that the State party strengthen the capacity of the extended family and foster parents to take care of orphans and other vulnerable children by providing them with adequate financial and other support in the best interests of the child.

189. The Committee notes the existence of the Child Care Upgrading Programme (CCUP), but is concerned, *inter alia* in light of the increasing number of AIDS orphans, that a growing number of children are being placed in institutions and that there is a lack of disaggregated data in this regard, which makes it difficult to fully assess the need for institutional care and to develop effective policies. The Committee also notes with concern the absence of an independent complaints 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.

190. The Committee recommends that the State party take all necessary measures to make institutional care a solution of last resort and to improve the quality of care, both in private and public institutions, via CCUP (registration, enforcement of quality standards). The Committee further recommends that the State party provide additional training, including in children's rights, for social and welfare workers, undertake periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.

...

193. The Committee notes that the Adoption Act of 1958 provides for the regulation of domestic and intercountry adoptions, but remains concerned that informal adoptions, which are generally not monitored with respect to the best interests and other rights of the child, are more widely accepted and practised within the State party.

194. In light of article 21 of the Convention, the Committee recommends that where adoption is considered, the State party encourage and promote formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and protect the rights of children. In light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 257-262.

257. The Committee notes the new programme for children of migrant workers undertaken

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by the Bureau of Foreign Employment, yet it is concerned that families of migrant workers receive little or no assistance with their child-rearing responsibilities while they are working abroad.

258. The Committee recommends that the State party develop a comprehensive policy to support the families and caregivers of children of migrant workers in their child-rearing responsibilities and limit the institutionalization of children of migrant workers to measures of last resort, while promoting the placement of all children in need of alternative care with their extended families or other family types of care whenever possible.

259. The Committee welcomes the increasing emphasis on foster placements, yet it remains concerned that there is no monitoring mechanism for either registered or unregistered institutions or voluntary homes.

260. The Committee recommends that the State party proceed with its intention to amend the Orphanages Ordinance No. 22 of 1941 to criminalize running an orphanage without a licence, and establish a uniform set of standards for public and private institutions and voluntary homes and monitor them regularly.

261. The Committee notes that the Domestic Violence Act is under consideration, but is concerned that, although there are limited data available, the problem of abuse within the family and in institutions appears widespread. The Committee is further concerned that victims of abuse do not receive adequate assistance and support for their recovery, and that the practice of institutionalizing victims while their case is being processed is common.

262. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse, including through the adoption and implementation of the Domestic Violence Act, and ensure that there is an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victims' privacy;

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

(c) Provide adequate protection to child victims of abuse in their homes, whenever possible, through restraining and removal orders against the alleged perpetrator; in cases where the removal of the child is necessary, preference should be given to foster care or similar family-type settings and institutionalization should only be resorted to in exceptional cases.

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- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 317-320.

317. The Committee welcomes the State party's preference for family-type forms of alternative care but is concerned that there remains a large number of children in need of alternative care. Furthermore, the Committee is concerned at the incidence of informal adoption, which may lead to girls being employed as domestic workers.

318. The Committee recommends that the State party:

- (a) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention;
- (b) Encourage and monitor the current practice of placement within the extended family, ensuring that the rights of children are respected in this context;
- (c) Provide training, including in children's rights, for social and welfare workers;
- (d) Ensure that children's views are heard and taken into consideration in alternative care decisions, in accordance with the principles and provisions of the Convention;
- (e) Ensure that both legal parents are required to give consent to adoption;
- (f) Ensure that placements in institutions, if made, are periodically reviewed, in accordance with article 25 of the Convention;
- (g) Take all necessary measures to end the practice of informal adoption and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

319. The Committee is concerned that:

- (a) The problem of abuse, including sexual abuse, within the family and in institutions appears to be significant;
- (b) Very few cases of physical and sexual abuse are effectively pursued by the police or brought to court;
- (c) Reporting is not mandatory and there are no reporting procedures or facilities for protecting abused children or meeting their needs.

320. The Committee recommends that the State party:

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- (a) Strengthen and expand current efforts to address the problem of child abuse, including sexual abuse, and ensure that there is an effective system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and which ensures the victim's privacy;
- (b) Ensure that all victims of violence have access to counselling and assistance with their recovery and rehabilitation, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care;
- (c) Launch a comprehensive study on the prevalence of abuse, including sexual abuse, aimed at informing both policy makers and lawmakers, including through cooperation with international NGOs.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 430-433.

430. The Committee welcomes the information that a committee was established in January 2003 to review children's homes and to make recommendations for improvements. However, it expresses its concern about the very poor conditions of children's homes (e.g. non-compliance with fire regulations), the inadequate access to educational facilities and the incidence of sexual and other abuse implying, *inter alia*, the risk of STI transmission.

431. The Committee recommends that the State party:

- (a) Expedite the work of the review committee and take all necessary measures, as a matter of urgency, to improve the quality of care in children's homes and to protect children living in such homes against all forms of abuse, seeking assistance from, among others, UNICEF;
- (b) Review the existing legislation on adoption in the light of the provisions of the Convention and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

432. While noting the progress made in the area of the rights of children with disabilities, including the work done in cooperation with NGOs and United Nations agencies and, *inter alia*, the adoption of the Copenhagen Declaration and Plan of Action of 1995, the Committee remains concerned that:

...

- (b) There are insufficient resources and no specialized staff and institutions for children with disabilities, including day-care opportunities, as well as insufficient therapeutic and training programmes for children, parents and staff;
- (c) There is no national system for early detection and intervention with regard to children

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with disabilities;

(d) Insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and society in general, including efforts to change traditional attitudes towards persons with disabilities and to improve access to information, medical facilities, etc.

433. The Committee recommends that the State party:

...

(b) In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion into society, *inter alia*, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible to children with disabilities;

(c) Establish a national system for early detection, referral and intervention including both increased government provisions via public institutions, and community-based as well as NGO interventions;

(d) Seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of children with disabilities, their parents and professional staff working with and for children with disabilities.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 492, 493, 512 and 513.

492. The Committee welcomes the adoption of Dahir No. 1-02-172 in June 2002 revising Dahir No. 1-93-165 which regulates the *kafalah* system, but is concerned that its implementation may encounter difficulties. In addition, the Committee is concerned that in practice more girls than boys benefit from *kafalah*.

493. The Committee recommends that the State party take all necessary measures to fully implement the new dahir on the *kafalah* system in order to ensure that:

(a) A judicial decision is at the origin of the placement of the child;

(b) All social benefits are attributed to these children in the same way as is done for other children;

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(c) Effective mechanisms to receive and address complaints from children are established, standards of care are monitored and, in light of article 25 of the Convention, placement is reviewed periodically;

(d) Boys and girls are given the same opportunities under *kafalah*.

...

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

(a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;

(b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;

(c) To investigate in an effective way reported cases of ill-treatment of returned children.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 533 and 534.

533. The Committee regrets that no review has been undertaken with respect to the reservations since the presentation of the initial report. Noting the State party's reasoning in the report, it reiterates its concern that the nature of the general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention. In particular, concerning article 14, the reservation gives rise to infringements of the freedoms of thought, conscience and religion; concerning articles 20 and 21, the reservation is unnecessary: the Committee points out that article 20 (3) of the Convention expressly recognizes *kafalah* as a form of alternative care. Article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which does not apply to the State party because it does not recognize the system of adoption.

534. The Committee recommends that the State party, in accordance with the Vienna Declaration and Plan of Action, and taking account of the Human Rights Committee's general comment No. 22, study its reservation, particularly concerning articles 14, 20 and

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21, with a view to withdrawing it.

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 621-627, 644, 645, 647 and 648.

621. The Committee welcomes the information contained in the State party's report that principles of legislation governing the family have been brought into line with the principles and provisions of the Convention; it also welcomes the expansion in recent years of advice centres for families. The Committee shares the serious concern of the State party relating to the extremely large number of abandoned children becoming *de facto* orphans because of the rising number of families experiencing difficulties due to socio-economic circumstances...

622. In light of article 18, the Committee recommends that the State party:

- (a) Take all effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children;
- (b) Promote the family as the best environment for the child and provide counselling and community-based programmes to assist parents to keep children at home;
- (c) Improve social assistance and support to families through advice and parenting education to promote positive child-parent relationships and increase financial support and other benefits for families with children, in particular for those living in poverty.

623. The Committee welcomes the adoption of the Marriage and Family Act (1998) which introduces and promotes the concept of foster care as a way to reduce the number of children in institutions. However, the Committee is concerned that foster care and other forms of family-based alternative care are not sufficiently developed and available.

624. The Committee is further concerned at the continuing predominant use of institutional responses to provide assistance to children in difficulty and that these children have limited contact with the outside world and are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution at the age of 18. The Committee also expresses concern at the low quality of care and conditions in some of these institutions.

625. In light of article 20 of the Convention, the Committee recommends that the State party:

- (a) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;

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- (b) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;
- (c) Place children in institutions only as a measure of last resort and as a temporary measure;
- (d) Take all necessary measures to improve conditions in institutions, in accordance with article 3 (3) of the Convention, and increase the participation of children;
- (e) Provide support and child rights-oriented training for personnel in institutions, including social workers;
- (f) Improve considerably the quality of care and the living conditions in institutions and make sure that standards of care are systematically monitored, and establish regular periodic review of placement, in accordance with article 25 of the Convention;
- (g) Provide adequate follow-up and reintegration support and services for children who leave institutional care;
- (h) Pursue additional avenues for cooperation and assistance in this respect with UNICEF, UNDP and other international organizations.

626. The Committee notes the existence of the National Board on Adoption and of regulations for organizations involved in domestic and intercountry adoption. However, taking into account the very large number of abandoned children, the Committee is concerned at the lack of a comprehensive policy regarding domestic and intercountry adoption, including effective monitoring and follow-up of adoptions. The Committee is concerned that adoptions are processed in such a way that seriously hinders the right of the child to know, as far as possible, her/his biological parents.

627. The Committee recommends that the State party establish a comprehensive national policy and guidelines governing adoption, including mechanisms to review, monitor and follow up adoptions, in order to prevent any form of abuse of adoption for the purpose of exploitation and trafficking. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party undertake all necessary measures to allow all adoptive children to obtain, as far as possible, information on the identity of their parents. The Committee finally recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

...

644. The Committee welcomes the information provided on the new bill on refugees and notes the efforts of the State party relating to the repatriation of ethnic Kazakhs in this regard; however, the Committee is concerned that:

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...

(d) Unaccompanied minors are not accorded the same treatment as other children deprived of their family environment.

645. The Committee recommends that the State party:

...

(c) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees and, in cases where no parents or other family members can be found, accord the child the same protection and care and social services as any other child permanently or temporarily deprived of his or her family environment receives;

...

647. The Committee...welcomes the information about two pilot projects on juvenile justice aiming at the establishment of a rights-based approach to juveniles in conflict with the law in full compliance with the Convention, but is concerned at the existing shortcomings in the juvenile justice system, *inter alia*:

...

(c) The placement of children aged 11 to 14 in "special educational institutions" as a form of punishment provided for in the commentary to the Criminal Code and the vague legal provisions for the issuance of such decisions;

(d) The placement of children from 3 to 18 in centres for temporary isolation, adaptation and rehabilitation for juveniles (CITARJ), without legal grounds or procedure;

(e) The still large number of children sentenced to placement in corrective and other institutions and insufficient education and guidance provided in these institutions, and the lack of social and psychological recovery measures;

...

648. The Committee recommends that the State party:

...

(c) In light of article 39, take appropriate measures to promote the rehabilitation and social reintegration of children involved in the juvenile justice system, including adequate education and certification to facilitate their reintegration;

...

(e) CITARJ should be transformed into centres for assistance and placement of lost, abandoned and homeless children, but only as a temporary measure and for the shortest time possible;

...

- San Marino, CRC, CRC/C/133 (2003) 9 at paras. 41 and 42.

41. While welcoming the adoption of Act No. 83 of 20 July 1999 on the adoption of foreign

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children and noting that *de facto* almost all adoptions are intercountry adoptions, the Committee is concerned about possible irregularities in these cases of adoption. It is further concerned that the Registry Office does not make any reference to the natural parents of adopted children, which implies that such children do not have the right to know their natural parent(s).

42. The Committee recommends that the State party provide the child, in accordance with article 8 of the Convention, with the right to know, as far as possible, his/her natural parent(s) and to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The Committee further recommends that the State party undertake a study on intercountry adoptions to better assess the situation.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 56, 57, 76, 80, 81, 96 and 97.

56. The Committee notes the efforts of the Government towards the removal of the reservation to article 37 (c) of the Convention, but regrets the rather slow process and regrets even more the statement made by the delegation that the State party does not intend to withdraw its reservation to article 21. The Committee reiterates its concern with respect to the reservations maintained by the State party to articles 21 and 37 (c).

57. In light of the 1993 Vienna Declaration and Programme of Action, the Committee urges the State party to reconsider and expedite the withdrawal of the reservations made to the Convention. The Committee invites the State party to continue its dialogue with the Aboriginals with a view to the withdrawal of the reservation to article 21 of the Convention.

...

76. The Committee is...encouraged by the establishment of the First Nations Child and Family Service providing culturally sensitive services to Aboriginal children and families within their communities.

...

80. The Committee is encouraged by the priority accorded by the State party to promoting the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 in Canada and abroad. However, the Committee notes that while adoption falls within the jurisdiction of the provinces and territories, the ratification of the Hague Convention has not been followed up by legal and other appropriate measures in all provinces. The Committee is also concerned that certain provinces do not recognize the right of an adopted child to know, as far as possible, her/his biological parents (art. 7).

81. The Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of The

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Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 throughout its territory.

...

96. The Committee welcomes the incorporation of the principle of the best interests of the child in the new Immigration and Refugee Protection Act (2002) and the efforts being made to address the concerns of children in the immigration process, in cooperation with the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. However, the Committee notes that some of the concerns previously expressed have not been adequately addressed, in particular, in cases of family reunification, deportation and deprivation of liberty, priority is not accorded to those in greatest need of help. The Committee is especially concerned at the absence of:

- (a) A national policy on unaccompanied asylum-seeking children;
- (b) Standard procedures for the appointment of legal guardians for these children;
- (c) A definition of “separated child” and a lack of reliable data on asylum-seeking children;
- (d) Adequate training and a consistent approach by the federal authorities in referring vulnerable children to welfare authorities.

97. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

- (a) Adopt and implement a national policy on separated children seeking asylum in Canada;
- (b) Implement a process for the appointment of guardians, clearly defining the nature and scope of such guardianship;
- (c) Refrain, as a matter of policy, from detaining unaccompanied minors and clarify the legislative intent of such detention as a measure of “last resort”, ensuring the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention;
- (d) Develop better policy and operational guidelines covering the return of separated children who are not in need of international protection to their country of origin;
- (e) Ensure that refugee and asylum-seeking children have access to basic services such as education and health and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;

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(f) Ensure that family reunification is dealt with in an expeditious manner.

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 139, 140 and 143-146.

139. The Committee shares the State party's concern about the prevalence of child abuse, and notes with regret that services aimed at preventing abuse and providing assistance with recovery do not have sufficient resources and are insufficiently coordinated.

140. The Committee recommends that the State party:

(a) Expand services and programmes aimed at assisting victims of abuse, and ensure that they are provided in a child-sensitive manner which respects the privacy of the victim;

(b) Increase programmes and services aimed at the prevention of child abuse in the home, schools and institutions and ensure that there are sufficient numbers of adequately qualified and trained staff to provide these services;

(c) Continue to improve the coordination of services for vulnerable families and victims of abuse.

...

143. The Committee welcomes the State party's initiatives to strengthen the system of child protection and alternative care through, *inter alia*, the adoption of the Social Work Registration Act (2003) and the establishment of grievance panels in residential institutions. Nevertheless, the Committee remains concerned that the Department of Child, Youth and Family Services does not have adequate financial and human resources to carry out its responsibilities effectively. While welcoming the additional written answers provided by the State party on the issue of police powers of search and seizure, the Committee is also concerned about reports of children in alternative care being subject to an increasing number of searches of their person and their belongings.

144. The Committee recommends that the State party continue its efforts to strengthen the system of child protection by:

(a) Improving the qualifications of social workers and personnel working in the child protection system and enacting measures to retain qualified and specialized staff;

(b) Taking effective measures to improve coordination between the Department of Child, Youth and Family Services and organizations delivering services to children;

(c) Increasing the financial resources allocated to alternative care, while ensuring that institutional care is used only as a last resort;

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(d) Strengthening efforts to guarantee that all children placed in care have a periodic review of their treatment and all circumstances relative to their placement, in accordance with article 25 of the Convention.

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

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

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

(b) Ensure the right of adopted children to access, as far as possible, information about their biological parents;

(c) Ensure the right of children, as far as possible, to maintain one of their original first names.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 206, 207, 212 and 213.

206. Although the State party is undertaking some training of police officers and other professionals working with children to promote respect for children's rights, the Committee is deeply concerned at the numerous reports of torture, serious ill-treatment and sexual abuse of children, including children belonging to religious or other minority groups, by police officers in detention facilities and other State institutions.

207. The Committee recommends that the State party:

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

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

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(c) Add a definition of torture to the Constitution and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) Undertake public education campaigns to promote a culture of non-violence.

...

212. While welcoming the State party's preference for family forms of alternative care, the Committee remains concerned that the existing institutions for children in need of alternative care are inadequate, both qualitatively and quantitatively, and that record-keeping on children in need of these services is poor. Furthermore, the Committee is concerned at the absence of a mechanism for conducting periodic reviews of placement.

213. The Committee recommends that the State party:

(a) Encourage and monitor the current practice of placement within the extended family, ensuring that the rights of children are met in this context;

(b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention;

(c) Ensure that treatment in institutions is periodically reviewed, in light of article 25 under the Convention;

(d) Provide appropriate assistance to parents in the performance of their child-rearing responsibilities, as foreseen by article 18, paragraph 2, of the Convention.

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 281, 282, 293 and 294.

281. The Committee notes that the murder or rejection of children thought to be "born on an unlucky day" is beginning to disappear, but remains deeply concerned that such murders still occur and at the rejection or abandonment of twins in the Mananjary region.

282. In light of article 6 of the Convention, the Committee recommends that the State party take all necessary measures to stop these practices, including through awareness-raising in the society at large, which should involve traditional leaders. In addition, The Committee recommends that the State party take all necessary measures to ensure that the institutionalization of twins is a measure of last resort.

...

293. The Committee is concerned that there is very little interest in simple adoption in the State party (report, para. 705), leading to various types of informal adoption such as "godparenting" that are not conducive to full respect for children's rights. The Committee

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further welcomes the establishment of the inter-ministerial commission on intercountry adoption, but remains concerned that intercountry adoptions are not properly followed up.

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

(a) To raise awareness among the society at large about the two existing forms of adoption procedures, namely simple adoption and legal adoption;

(b) To monitor informal adoption practices such as “grandparenting” to ensure that children’s rights are fully respected;

(c) To improve the regular periodic review of the placement of children in adoptive families.

...

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 377 and 378.

377. The Committee notes the State party’s non-punitive approach to victims of drug abuse, but is concerned that children abusing drugs may be placed in a closed institution for a period of up to three years.

378. The Committee recommends that the State party develop non-institutional forms of treatment of children who abuse drugs and make the placement of children in an institution a measure of last resort. In addition, the Committee recommends that children living in such institutions be provided with basic services such as health, education and other social services and maintain contact with their family during their stay. Finally, the Committee recommends that the State party set clear standards for existing institutions and ensure periodic review of the placement of children, in light of article 25 of the Convention.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 417-420.

417. The Committee welcomes the State party’s efforts to provide counselling and assistance to families and children and to resolve difficulties between parents and children without resorting to the courts and in a manner consistent with the best interests of the child. Nevertheless, it is concerned that children in such circumstances are not afforded the full protection of the law because parents are able to file complaints that their children are “beyond parental control”, which, according to the law, can lead to the placement of these children in institutions for juvenile delinquents. The Committee also shares the State party’s concern that children are left at home alone.

418. The Committee recommends that the State party continue its efforts to provide support

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and counselling for families at risk, and amend its legislation to ensure the full protection of children in difficult circumstances while eliminating the possibility for parents to initiate court proceedings against their children because they are “beyond parental control”. The Committee further recommends that the State party expand measures to support working parents and to prevent children from being left alone at home.

419. The Committee welcomes the creation of mechanisms such as the Child Abuse Protection Team and the Family Protection Unit to deal with complaints of abuse and provide assistance to victims and their families. However, the Committee is concerned that underreporting remains a problem and that social workers, teachers and medical personnel are not required by law to report suspected cases of child abuse.

420. The Committee recommends that the State party strengthen measures to encourage reporting of instances of child maltreatment and abuse, through, *inter alia*, legislative measures requiring social workers, teachers and medical personnel to report suspected cases of child abuse to the appropriate authorities.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 442, 443, 473, 474 and 477-482.

442. The Committee remains deeply concerned about the reservations to articles 14, paragraphs and 21 of the Convention, which might impede the full implementation of the Convention, but welcomes the information from the delegation that the State party is willing to continue to review those reservations with a view to their withdrawal.

443. In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State party take into account the experience of other States parties in this regard.

...

473. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners. The Committee is also concerned at reports of violence against street children. Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils (“shalishes”) as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

- (a) Review its legislation (*inter alia*, Code of Criminal Procedure, 1898) with the aim of

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prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;

(b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and abuse of children, to assess the inhuman and degrading treatment of children attributable to “shalishes”, and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected;

(d) Undertake all necessary measures to prevent and punish police violence;

(e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;

(f) Provide care, recovery, compensation and reintegration for victims;

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

(h) Seek assistance from, *inter alia*, UNICEF and the World Health Organization (WHO).

...

477. The Committee is concerned that the current facilities for alternative care of children deprived of their family environment are insufficient, do not provide enough protection and that large numbers of children do not have access to such facilities.

478. The Committee recommends that the State party urgently take measures to increase alternative care opportunities for children and, in line with article 25 of the Convention, conduct periodic reviews of the placement of children and ensure that institutionalization is used only as a measure of last resort. The Committee also recommends that the State party take effective measures to prevent abandonment of children, *inter alia*, by providing adequate support to families.

479. In light of article 21 of the Convention, the Committee is concerned about the lack of a uniform adoption law in the State party.

480. The Committee recommends that the State party establish uniform legal provisions for domestic as well as intercountry adoption, and reiterates its previous recommendation that

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the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

481. The Committee is concerned at the high incidence of abuse, including sexual abuse, within the State party, and at the lack of effective measures to combat this phenomenon. The Committee is particularly concerned that existing legislation, notably the Suppression of Violence against Women and Children Act 2000, is rarely implemented and that the prosecution of abuse against women is rare even in very serious cases because of societal attitudes. The Committee is further concerned that the current legislation protects children from abuse only up to the age of 14 years. In addition, the Committee is concerned that child victims of abuse and/or exploitation are placed in "safe custody", which may result in depriving them of their liberty for as long as 10 years.

482. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to address the issue of child abuse, including through ensuring there is public awareness of the relevant legislation;

(b) Assess the scope, nature and causes of child abuse, particularly sexual abuse, with a view to adopting a comprehensive strategy and effective measures and policies and to changing attitudes;

(c) Provide adequate protection and assistance to child victims of abuse in their homes, whenever possible, and take appropriate measures to prevent the stigmatization of victims;

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

(e) Ensure that the placement of children victims of abuse and exploitation in institutions for reasons of protection and treatment is used only as a measure of last resort and for the shortest possible period of time;

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

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 548-553, 556, 557, 570 and 571.

548. The Committee welcomes the Presidential Decree approving a Plan of Action against Torture for 2003-2005 and the related plan to amend the Criminal Code with a view to strengthening the protection from torture and inhuman or degrading treatment or

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punishment. However, it remains concerned at the information that children are subjected to torture and other forms of violence and abuse in police stations, institutions and schools.

549. The Committee urges the State party to take all necessary measures for the expeditious and effective implementation of the Plan of Action against Torture, ensuring full protection of children from all forms of violence, proper interrogation, prosecution and sentencing of perpetrators, and the provision of care, recovery and compensation for all child victims.

550. The Committee, while welcoming the State party's activities to reduce institutionalization, shares the concern of the State party about the poor standard of living of children in institutions and the fact that the Government does not allocate sufficient funds for these institutions. The Committee is deeply concerned that many of these children are placed in institutions owing primarily to economic hardship of the families, especially when they are in need of special care. Furthermore, the Committee regrets that information is not provided on issues specifically addressed in its previous concluding observations.

551. The Committee recommends that the State party:

- (a) Continue measures to strengthen support for families to enable them to care for their children at home by developing a comprehensive child-centred family policy;
- (b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (c) Strengthen measures, including the development of strategies and awareness-raising activities and support to families, to prevent and reduce the abandonment of children;
- (d) Consider strategies to address the situation of abandoned children with disabilities and ensure their inclusion primarily in residential schools;
- (e) Provide adequate resources for the effective implementation of the new law on foster care and undertake measures to regulate kinship fostering in order to ensure that the best interests of the children concerned are taken into account;
- (f) Strengthen and intensify the programme of de-institutionalization while taking all the necessary measures to improve living conditions in institutions and ensure that children living there for the shortest period possible are provided with adequate health care, education and food;
- (g) Seek technical assistance from UNICEF.

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552. The Committee welcomes the accession of the State party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. However, it remains concerned that adequate monitoring procedures have not been introduced both with respect to domestic and intercountry adoptions. Furthermore, the Committee is concerned at the practice of direct intercountry adoption and the troublesome increase of newborns adopted by foreigners. Finally, it expresses its concern that legislation on adoption is complex.

553. The Committee encourages the State party:

(a) To expedite the revision of legislation on adoption with a view to adopting a comprehensive law on domestic and intercountry adoption and ensure that it is in full compliance with the Convention and other international standards, in particular the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(b) To ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;

(c) To ensure that cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the relevant Hague Convention;

(d) To explore ways to encourage national adoptions so that intercountry adoptions can be reduced.

...

556. The Committee notes the information provided in the written replies to its list of issues on the Plan of Action to Combat Violence against Women 2000-2002 and on the 2000-2003 State programme for the protection, development and social adaptation of minors. However, the Committee regrets that many of its concerns and recommendations expressed during the consideration of the initial report have not been addressed, and is deeply concerned at the high incidence of abuse, neglect and violence within the family and in other settings. The Committee is also concerned at the occurrence of violence (bullying) in schools. The Committee concurs with the concerns expressed by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, with regard to the occurrence of domestic violence, as they relate to children. The Committee regrets that the State party has not introduced domestic violence as a specific offence in criminal law or criminal procedural legislation and has not considered undertaking studies, or other steps, in this respect.

557. The Committee recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence and other forms of violence, including bullying in schools. The State party is encouraged to enact specific

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domestic violence legislation which brings together criminal and civil provisions, including remedies. In this respect, the State party is encouraged, *inter alia*, to consult the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2) which outlines important elements integral to comprehensive legislation on domestic violence. Furthermore, the Committee recommends that measures be taken to provide counselling and support services to all children victims of violence, including those who bully others in school.

...

570. The Committee...is concerned that education is provided to mentally and physically disabled persons only in residential institutions, and that their number has significantly increased from 1997 to 2000, despite the general decline in the population.

571. The Committee urges the State party, taking into account its general comment No. 1 on the aims of education, pursue its efforts to ensure that all children enjoy the right to education consistent with articles 28 and 29 of the Convention, and that children with disabilities are integrated into the mainstream education in keeping with article 3 of the Convention...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 61, 62, 69-72, 99 and 100.

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

62. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse and neglect, including sexual abuse, and ensure that there is a national system for receiving, monitoring and investigating complaints and for prosecuting cases when necessary, in a manner which is child sensitive and ensures the victims' privacy;

(b) Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care and that institutionalization is used only as a last resort and for the shortest time possible;

...

69. The Committee expresses its concern at the high number of children who are placed in institutions and at the living conditions in these institutions, and at the increasing number of children who are abandoned by their parents.

70. The Committee recommends that the State party:

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...

(b) Develop programmes and policies to prevent the placement of children in institutions, *inter alia* by providing support and guidance to the most vulnerable families and by conducting awareness-raising campaigns;

(c) Take all necessary measures to allow children placed in institutions to return to their families whenever possible and consider the placement of children in institutions as a measure of last resort;

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

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

72. The Committee recommends that the State party:

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

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

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

...

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

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

(a) To end the violence, arbitrary arrest and detention carried out by the State apparatus against street children;

(b) To bring to justice those responsible for such violence;

(c) To facilitate the social reintegration of street children, notably by ensuring that street children, especially those who are runaways, can obtain an official identity card.

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- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 148-151.

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

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

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

151. The Committee recommends that the State party:

- (a) Strengthen the role of the Visiting Committee, e.g. by assigning to it a standard-setting role, and provide it with sufficient human and financial resources;
- (b) Provide institutions run by NGOs with adequate financial and other support and bring them under the inspection and standard-setting role of the Visiting Committee.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 210-217, 220 and 221.

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

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

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

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the light of article 25 of the Convention, about the lack of adequate and systematic review of the situation and conditions of children living in institutions.

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

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

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

216. While taking note that the Children's Rights Act and the Criminal Code include provisions which protect children against violence and abuse, the Committee reiterates its concern that the State party has not yet introduced legislative and other measures which specifically address the issue of violence against children. The Committee is concerned about the lack of data on cases of abuse, including sexual abuse and neglect, and ill-treatment of children, which may occur in child institutions and families, as well as information on specific programmes of systematic control of mechanisms in place to avoid institutional impunity in cases of abuse and ill-treatment. It is also concerned at the lack of complaints mechanisms to which children could have recourse and the fact that only medical professionals are responsible for reporting cases of abuse and neglect.

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

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

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

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 287-290, 295 and 296.

287. The Committee welcomes the ratification in 2001 by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, and notes the measures taken for its implementation, but remains concerned at possible irregularities in these cases of adoption, as mentioned in the State party's report ([CRC/C/83/Add.7,] para. 476).

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

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

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

...

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

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

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 354-359.

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

355. In light of article 18, the Committee recommends that the State party evaluate services available to parents to assist them in their child-rearing responsibilities in order to determine the cause of waiting lists in the Netherlands and assess the quality of services provided. The Committee further recommends that throughout the Kingdom, the State party increase the funding and availability of quality childcare facilities and services, support parental

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education programmes, in particular for parents of disadvantaged and vulnerable children and adolescents, and ensure that all children and adolescents of working parents have the right to benefit from these services and facilities.

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

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

358. The Committee notes with satisfaction that, in the Netherlands, the Youth Care Act, which aims to improve the effectiveness of child protection services and includes the obligation for medical personnel to report suspected cases of child abuse, has been passed by the lower house of Parliament and is awaiting the approval of the Senate. However, the Committee is concerned that in the Netherlands waiting lists for services for victims of abuse remain, and that insufficient financial resources are allocated for the prevention of abuse and recovery and counselling services. Furthermore, the Committee shares the State party's concern that there is no clearly defined policy on preventing child abuse and neglect and providing assistance to victims in Aruba and that services in this area are insufficient...

359. The Committee recommends that the State party:

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

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

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

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 426-429, 444 and 445.

426. The Committee welcomes the recent ratification of the Hague Convention on

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

427. The Committee recommends that the State party:

- (a) Review the legal framework for domestic adoption and take all necessary measures, including the adoption of new guidelines by the central authority, to implement the newly ratified 1993 Hague Convention;
- (b) Extend to the whole territory the application of the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act 2000; and
- (c) Ensure that adoption is possible for children of all religions, in accordance with the strict regulations reflected in article 21 of the Convention.

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

429. In light of article 19 of the Convention and in line with its previous recommendations (CRC/C/15/Add.115, para. 45), the Committee recommends that the State party:

- (a) Adopt new legislative measures and amend outdated legislation to prohibit all forms of physical and mental violence, including sexual abuse of children in the family, in schools and in institutions;
- (b) Carry out public education campaigns and any other appropriate measures concerning the negative consequences of ill-treatment of children;
- (c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;
- (d) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;
- (e) Provide facilities for the care, recovery and reintegration of victims;

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(f) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach; and

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

...

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

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

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 504 and 505.

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

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

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 561, 562, 565-568, 573 and 574.

561. The Committee appreciates the work and the role of Social Work Centres in providing administrative and other types of assistance to children and families, but is concerned at the lack of appropriate and effective measures to strengthen professional capacities of the staff

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of these centres, as well as at the often lengthy procedures applied.

562. The Committee recommends that the State party take all necessary steps to provide ongoing training to the staff of Social Work Centres and provide for efficient administrative, legal and practical measures to ensure quality and efficiency of all activities of these institutions.

...

565. While welcoming the new Implementation of Fostering Activities Act of 2003, which provides for a more systematic regulation of fostering activities, the Committee is concerned that the mechanisms for reviewing and monitoring the placement of fostered children are not sufficient. Furthermore, the Committee is concerned at the lack of standards and regulations on adoption and of a national adoption register.

566. The Committee recommends that the State party ensures that the legislation on foster care and adoption is in conformity with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The law on adoption should guarantee the right of the child to know his/her origin and access to information about his/her background. Furthermore, the Committee recommends that the State party: (a) establish a national register of children to be adopted and of families qualified to adopt, which takes full account of the best interests of the child; (b) put in place mechanisms for monitoring the situation of fostered and adopted children; and (c) ensure that procedures of fostering and adoption are handled by a qualified and efficient multidisciplinary team.

567. The Committee welcomes the information that the Police Act has been amended, allowing the police to remove an alleged perpetrator of child abuse or other forms of family violence from the home for up to 10 days and that the courts can extend this period for 30 days. The Committee, however, remains concerned that child abuse in the family and in institutions appears to be widespread. Furthermore, while noting that an Act for Prevention of Violence in the Family is in preparation, it is concerned that the existing preventive and protective measures taken to address the problem are not sufficient.

568. The Committee recommends that the State party continue and strengthen its efforts to address the problem of child abuse by, *inter alia*:

(a) Ensuring full and effective implementation of the changes in the Police Act and adequate ongoing training of police officers and judges;

(b) Expediting the drafting and approval of the Act for Prevention of Violence in the Family and related changes in the family law, legislative measures which should provide for effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

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(c) Ensuring that cases of ill-treatment are investigated and prosecuted, that the abused child is not victimized in legal proceedings and that his or her privacy is protected;

(d) Providing training for parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach;

(e) Ensuring effective coordination among the multidisciplinary team dealing with child abuse and neglect;

(f) Carrying out public education campaigns about the negative consequences of ill-treatment of children;

(g) Providing facilities for the care, recovery and reintegration of victims.

...

573. The Committee notes with concern that implementing measures based on the Law on Guiding Children with Special Needs, adopted in 2000, have still not been adopted and that, as a consequence, children with disabilities who are not enrolled in special institutions cannot take advantage of programmes provided for in the law...

574. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), the Committee encourages the State party to ensure the expeditious adoption of implementing measures concerning the Law on Guiding Children with Special Needs...

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 635 and 636.

635. The Committee is concerned that children's right to privacy is not fully respected, in particular, with regard to the searching of a child's belongings, and the fact that staff in institutions may interfere with a child's personal correspondence.

636. The Committee recommends that the State party:

(a) Ensure the full implementation of a child's right to privacy, including with respect to personal correspondence and searching of personal effects;

(b) Amend the Minimum Standards for Child Welfare Institutions so as to bring them into conformity with article 16 of the Convention.

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- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 59-62.

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

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

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

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

- Panama, CRC, CRC/C/140 (2004) 23 at paras. 128 and 129.

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

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

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

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

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

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including kinship care;

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

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

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

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 197-202, 227 and 228.

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

198. The Committee recommends that the State party:

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

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

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

200. The Committee recommends that the State party strengthen and increase its

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

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

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

...

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

228. The Committee recommends that the State party:

- (a) Pursue its efforts to prevent and reduce this phenomenon by addressing its root causes, notably by carrying out a comprehensive strategy with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;
- (b) Consider addressing the situation of street children under the system of youth social welfare services and stop rounding up these children and sending them to detention centres;
- (c) Ensure that street children are provided with adequate nutrition, clothing, housing, health

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care and educational opportunities, including vocational and life-skills training, in order to support their full development, and seek innovative measures in dealing with these children; and

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

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 274-276.

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

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

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

(a) To support abandoned children socially and financially;

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

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

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 340-343.

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

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

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- (a) Take all necessary measures to reduce and eliminate informal adoption and establish a system to regulate and monitor intercountry adoptions;
- (b) Ratify and implement the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption;
- (c) Inform the general public about the possibilities of formal adoption.

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

- (a) The large numbers of children who have been deprived of a family environment through the death of, or separation and abandonment from, their parents or other family;
- (b) The inadequate conditions and services provided in many orphanages and other institutional settings for children without parents;
- (c) The lack of quality standards and of a monitoring system for these institutions.

343. The Committee urges the State party:

- (a) To make every effort to strengthen family tracing programmes;
- (b) To plan for the effective provision of alternative care for separated children, making use of the extended family, foster care and alternative family structures;
- (c) To urgently adopt the relevant legislation in order to issue quality standards and establish a monitoring system for institutional homes and, in particular, orphanages operating in the State party, as well as to increase allocations available to these institutions and to provide training for their staff;
- (d) To take all appropriate measures to ensure that non-orphan children living in institutional homes are brought back to their families, taking into consideration the best interests of the child;
- (e) To seek assistance from, among others, UNICEF.

- Myanmar, CRC, CRC/C/140 (2004)81 at paras. 416-419.

416. The Committee expresses its concern at the lack of adequate social policies that enable

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families to be in charge of protecting their children's rights, and the disintegration and displacement of families and communities of ethnic minority groups.

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

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

419. The Committee recommends that the State party:

(a) Expedite the assessment on the situation of children placed in institutions, including their living conditions and the services provided;

(b) Develop programmes and policies to prevent the placement of children in institutions, *inter alia* by providing support and guidance to the most vulnerable families and by conducting awareness-raising campaigns;

(c) Take all necessary measures to allow children placed in institutions to be returned to their families whenever possible and consider the placement of children in institutions as a measure of last resort; and

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

- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 489 and 490.

489. The Committee notes with appreciation that there are no institutions in the State party for the placement of children. The Committee takes note of Operation Youth Quake, which caters for children in need of placement, but remains concerned at the insufficient financial and human resources required for its effective functioning.

490. The Committee encourages the State party to continue to strengthen Operation Youth Quake by providing it with sufficient resources and support to enable it to function

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efficaciously.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 545, 546, 549-552, 555 and 556.

545. The Committee is concerned at the various reports on the persistence of some forms of institutional violence against persons under 18, especially in detention and in social institutions.

546. The Committee recommends the State party to continue and strengthen all necessary measures to prevent and eliminate any form of institutional violence.

...

549. The Committee notes with appreciation the commitment of the State party to early childcare based on the 1976 Law on Nursery and Upbringing of Children. However, it is concerned at the excessive degree of State involvement in childcare to the detriment of the parental involvement, hindering psychosocial and cognitive development of children. Of particular concern are the widespread practice of leaving children in nurseries from Mondays to Saturdays and the upbringing of twins and triplets being relinquished to the State. Furthermore, the Committee expresses concern over the lack of human and financial resources available for nurseries, which affects the quality of care.

550. In the light of article 18, paragraph 1 of the Convention, the Committee recommends that the State party place greater emphasis on its policies on the primary responsibilities of parents, and to encourage and provide parents with the necessary support to enable their greater involvement in the nursing and upbringing of their children, reducing the role of the State to a subsidiary and not a primary one.

551. The Committee notes the State party's commitment to early childhood development and the high enrolment rates in nurseries and kindergartens. However, it is concerned that the economic hardships facing the country have negatively affected the quality of services provided by childcare facilities, and that there is no comprehensive strategy to address this problem.

552. The Committee recommends the State party to promote day-care nurseries and kindergartens and to discourage the use of the 24-hour nursery and kindergarten system (often 5 days a week), to be used by parents only as a last resort. The Committee recommends the State party to develop a strategy to increase the financial and human resources available for childcare facilities and ensure a basic minimum standard of services for all institutions, in particular with regard to nutrition, heating, water, sanitation and hygiene.

...

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555. The Committee is concerned at the relatively high numbers of children who are separated from their parents and are living in institutions, such as children's homes, orphanages and orphan schools.

556. The Committee recommends the State party:

(a) To undertake the necessary measures to reduce the institutionalization of childcare by strengthening and supporting the system of foster care, family group homes (4-6 children) and, whenever appropriate, domestic adoption;

(b) To ensure that placements in institutions, if made, are periodically reviewed, in accordance with article 25 of the Convention;

(c) To consider adopting legislation on adoption, in light of the provisions of the Convention; and

(d) To consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.

- France, CRC, CRC/C/140 (2004) 124 at paras. 612-614.

612. The Committee notes that the majority of intercountry adoptions are made with countries of origin that have not ratified the Hague Convention of 1993 and is concerned at the high percentage of intercountry adoptions which are not made through the accredited bodies but through individual channels.

613. The Committee is concerned that legislation and practice regarding domestic adoption in French Polynesia may not be in full conformity with the provisions of the Convention.

614. In the light of article 21 and other related provisions of the Convention, the Committee encourages the State party:

(a) To ensure that practice is in conformity with the new legislation in the area of adoption;

(b) To ensure that a State programme and subsidiary regulatory instruments necessary for the implementation of the legislation are elaborated;

(c) To ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;

(d) To ensure that the cases of intercountry adoption are dealt with in full accordance with

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the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993 ratified by France;

(e) To adopt legislation and practice on domestic adoption in French Polynesia to avoid practices which may give rise to abuse and ensure that the rights of children are upheld.

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 71-74.

71. The Committee welcomes the ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. However, it regrets the lack of statistical data on domestic and intercountry adoption and it expresses its concern that the State party does not provide sufficient safeguards against trafficking and sale of children for the purpose of, *inter alia*, adoption.

72. The Committee recommends that the State party:

(a) Strengthen monitoring and supervising effectively the system of adoption of children in the light of article 21 and other relevant provisions of the Convention and to make sure that intercountry adoption is a measure of last resort;

(b) Take necessary measures for an effective implementation of the Hague Convention, including by providing the central authority with adequate human and financial resources;

(c) Collect in a systematic and on-going manner statistical data and relevant information on both domestic and intercountry adoption; and

(d) Implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9/Add.2).

73. The Committee is deeply concerned at the high number of children victims of violence, abuse and neglect, including sexual abuse, in schools, in institutions, in public places and in the family.

74. The Committee recommends that the State party:

(a) Carry out preventive public education campaigns about the negative consequences of ill-treatment of children;

(b) Take the measures necessary to prevent child abuse and neglect;

(c) In addition to existing procedures, establish effective child-sensitive procedures and

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preventive mechanisms to receive, monitor and investigate complaints, including through the intervention of social and judicial authorities where necessary, to find appropriate solutions, paying due regard to the best interests of the child;

(d) Give attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;

(e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 141-144.

141. While noting the efforts undertaken to develop guidelines for alternative care placements, the Committee is concerned at:

(a) The lack of legislation governing alternative care in the State party and the long delays in adopting such legislation;

(b) The excessive number of children deprived of their family environment.

142. The Committee urges that the State party:

(a) Undertake without further delay the necessary steps for the full and effective implementation of the Alternative Care Guidelines and for the drafting and adoption of legislation governing the various forms of alternative care, including those provided by civil society organizations in compliance with the Convention;

(b) Better coordinate and provide adequate financial support to civil society involved in the area of child support.

143. The Committee is also concerned that the rules and the procedures of the Adoption Act are not applicable under customary law.

144. The Committee recommends that the State party:

(a) Expedite the review of the Adoption Act in order to bring existing rules and practices regulating adoption into full compliance with the Convention to ensure that in cases of informal adoption, the rights of the child are well protected to encourage formal domestic adoptions;

(b) Consider ratifying the Hague Convention No. 33 on the Protection of Children and

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Cooperation in Respect of Intercountry Adoption.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 204-209.

204. The Committee is deeply concerned about cases of violence among children and young adults placed in homes for re-education and other institutions and about cases of violence and bullying among children and young adults in social care institutions.

205. The Committee recommends that the State party take all necessary measures to prevent acts of violence in homes for re-education and social care institutions. In accordance with the recommendation of the Committee against Torture (CAT/C/CR/32/3, para. 9(k)), the Committee urges the State party to increase the protection of children in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated and providing adequate support and treatment, including psychological treatment to victims of such acts.

206. While taking note of the legislation adopted in the area of the family environment, the new Family Act and the Social Welfare Act, the Committee remains concerned that many children are left on their own without proper guidance from parents and other caregivers. The Committee also remains concerned that supervision and guidance for vulnerable families are not well structured and defined, making it difficult to monitor the situation.

207. The Committee recommends that further efforts be made to ensure the effective implementation of the Family Act as regards guidance and responsibility for the child in light of article 27, paragraph 2. The Committee further recommends that the State party take all necessary steps and devote adequate resources to providing ongoing training of the staff of the social welfare centres and provide for effective administrative, legal and practical measures to ensure the quality and efficiency of all the activities of these institutions.

208. The Committee expresses its concern that quite a number of children without parental care or who have lost contact with their families are in institutions or in foster care and about the low quality of care and treatment provided to these children. The Committee is also concerned about the apparent insufficient monitoring of placements.

209. The Committee recommends that the State party give high priority to the assistance provided to families in order to prevent placement of children in alternative care. The Committee further recommends that the State party promote family-based assistance in foster care as a form of alternative care and ensure that institutionalization is used only as a measure of last resort, i.e. that it is professionally indicated and in the best interests of the

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child, and conduct periodic reviews of the placement of children in light of article 25. The Committee also recommends that the State party develop quality standards of foster care and significantly decrease the time spent in institutions for children deprived of parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 280-283, 290, 291, 300 and 301.

280. The Committee notes with concern that many children in institutional care have parents and are deprived of their family environment. Sanctioning parents who do not fulfil their parental responsibilities by depriving them of their parental rights is also of concern to the Committee.

281. The Committee recommends that the State party:

(a) Adopt a comprehensive strategy and take preventive measures to avoid separating children from their family environment (*inter alia*, by providing parents or guardians with appropriate assistance) and to reduce the number of children living in institutions;

(b) For the limited number of children who have to be placed in institutions, the State party should take measures to make their stay as short as possible, *inter alia* by strengthening foster care;

(c) Take measures to create an environment that would allow for fuller development of the child and prevent and protect children from all forms of abuse. Contacts with the family while the child is institutionalized should also be further encouraged;

(d) Establish procedures for the investigation of complaints from children in cases of physical and emotional abuse.

282. The Committee is concerned that the new Family Code does not require changes in the legislation concerning the secrecy of the adoption or the right of the adopted child to know who his/her biological parents are. The practice of encouraging parents to sign documents by which they agree to give up their children when placing the latter under institutional care, although not widespread, is a matter of concern to the Committee.

283. In light of article 21 and other relevant provisions of the Convention, the Committee recommends a review of the above-mentioned laws and policies with regard to adoption, as well as the setting up of a mechanism to monitor adoptions. When the State party considers lifting its moratorium on intercountry adoptions, the Committee recommends that it accede to the Hague Convention on Protection of Children and Cooperation in Respect of

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Intercountry Adoption of 1993.

...

290. The Committee notes with appreciation the efforts made by the State party to work with different specialized agencies of the United Nations as well as with international NGOs to reduce child mortality... It is, however, concerned at the regional disparities in mortality rates, the inadequate antenatal care, which is not completely free, the inhumane treatment of children in psychiatric hospitals, and the increase in cases of communicable diseases, such as tuberculosis and HIV/AIDS...

291. The Committee recommends that the State party undertake more efforts to ensure the highest attainable standard of health for all children, to improve antenatal care programmes, to prevent the spread of contagious diseases such as HIV/AIDS and tuberculosis, to improve psychiatric care so as to ensure that children with psychiatric problems are treated humanely and to explicitly prohibit placing children in adult psychiatric hospitals...

...

300. The Committee welcomes the recent creation of the Coordination Council on Child Labour (in 2004), but remains concerned about the prevalence of child labour in Kyrgyzstan and the lack of official data in this regard. The use of children as workers by State institutions, and in particular by State educational establishments, is a matter of concern to the Committee.

301. The Committee recommends that the State party:

(a) Take steps to improve the labour conditions of children who are allowed to work and enforce the provisions of the Minors' Rights (Protection and Defence) Act with regard to child labour; and

(b) Take immediate and effective steps to eliminate the practice in State institutions, in particular in educational institutions, of requiring children to work for the profit of these institutions.

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 349 and 350.

349. While the Committee welcomes the existence in the country of institutions where the many orphans in the State party can be accommodated, as well as the information that a new one is under construction, it recalls that the institutionalization of children should always be a temporary measure of last resort, professionally indicated and in the best interests of the child. It is also concerned about the lack of information on the systematic review of the situation of children living in these institutions.

350. The Committee recommends in this regard that the State party:

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(a) Ensure children are placed in institutions only following proper judicial proceedings and that children in institutions maintain contact with their parents or other caregivers, and that it facilitate, when possible, return of institutionalized children to their families or extended families;

(b) Adequately regulate the placement of children in institutions and ensure periodic reviews of placement, in light of article 25 of the Convention. It also recommends that the State party increase the support services and financial assistance for foster care families;

(c) Provide adequate training to judges, caregivers and other professionals.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 411-414.

411. The Committee expresses its concern that the care of children deprived of their family in the State party is insufficient. Although children's placement in foster families is given priority, many children are placed in homes that are poorly equipped and understaffed, as there is a lack of foster care and family-based alternative care. The inadequate monitoring and follow-up of placements in institutions is also a cause of concern.

412. The Committee recommends that the State party take effective measures to develop and promote an effective and extended system of foster care and other family-based alternative care. The State party should also take measures to ensure that the situation of children living in institutions, both public and private, is regularly monitored.

413. The Committee is concerned about the growing number of cases of abuse and violence against children, including sexual abuse in their homes, in schools and in other institutions.

414. The Committee recommends that the State party strengthen current efforts to address the problem of child abuse, including by ensuring that:

(a) Child-sensitive mechanisms to receive and investigate complaints regarding ill-treatment and abuse are established;

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

(c) Counselling and assistance with recovery and reintegration are provided to all victims of violence;

(d) Adequate protection to child victims of abuse in their homes is provided;

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(e) The national plan of action to combat sexual abuse of minors is effectively implemented.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 493-496, 499 and 500.

493. The Committee is seriously concerned that no safe houses or places of alternative care exist for boys who suffer from parental neglect or who need to be removed from their family environment, and that they are generally placed in the facility for boys in conflict with the law.

494. The Committee is further concerned at the lack of legislation governing foster care, and that foster parents currently do not receive adequate support and training from the Government.

495. The Committee recommends that the State party immediately review the current practice of placing boys in need of alternative care in the institution for juvenile offenders, and consider establishing a Government-run institution designed to accommodate boys in need of care, ensuring that their physical and psychological needs are appropriately met, including in the domains of health, education and safety.

496. The Committee further recommends that the State party consider adopting legislation governing foster care of children, and that financial support to foster parents be increased to a level that is fully adequate to cover the costs of childcare. In this connection, the Committee underscores the importance of coordination of the efforts and policies on foster care of different ministries and departments. The Committee further recommends that the State party allocate the necessary human and financial resources for the training of foster parents.

...

499. The Committee welcomes the adoption of the Sexual Offences Act of 1995 which protects the child against incest, but is concerned that the Offences Against the Person Act protects only girl children from rape and not boys, and that there are no local laws that specifically deal with the issue of protecting children against psychological violence. The Committee is further concerned that there are no officially designated places of safety for child victims of abuse where they can stay until their cases are heard by a magistrate, and that in practice, children are usually held at the police station, which is a cause of serious alarm. The Committee also expresses concern about the lack of adequate complaint filing mechanisms for child victims of abuse and neglect. The Committee is also concerned that prosecution for child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.

500. The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect by, *inter alia*:

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- (a) Carrying out public education campaigns that raise awareness of the consequences of ill-treatment of children and alternative measures of disciplining children, addressing sociocultural barriers that inhibit victims from seeking assistance;
 - (b) Introducing legislation making it mandatory for all professionals working for and with children to report suspected cases of abuse and neglect, and train them in the identification, reporting and management of ill-treatment cases;
 - (c) In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect;
 - (d) Providing services for the physical and psychological recovery and social reintegration to victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and taking appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;
 - (e) Seeking technical assistance from, *inter alia*, UNICEF and WHO.
- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 51-54, 63 and 64.
 - 51. The Committee notes with appreciation that financial assistance is made available to cover the costs incurred by individuals when restoring illicitly transferred or non-returned children and the review currently under way of the implementation of the Hague Convention No. 28 on the Civil Aspects of International Child Abduction of 1980. However, the Committee notes that there are still a number of pending cases to be solved involving children of mixed marriages.
 - 52. The Committee recommends that the State party continue strengthening measures to prevent and combat illicit transfer and non-return of children and to solve pending cases, with due regard to the best interests of the child.
 - 53. The Committee is concerned about:
 - (a) The increasing number of children placed in institutions rather than in foster homes;
 - (b) The fact that the proportion of children with a foreign background who are placed in institutions is higher than that of Swedish children;
 - (c) The fact that the National Board of Institutional Care has a self-regulatory role.

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54. The Committee recommends that:

(a) The State party take preventive measures specifically targeted at families with a foreign background, including awareness-raising within social services about the relevance of cultural background and immigrant status, so that help can be given before a situation develops that necessitates the taking of children into care;

(b) The regulation of cases where children are taken into care against their will take place under a separate umbrella from that of the National Board of Institutional Care, and that this regulation also ensure the quality of care.

...

63. The Committee notes the efforts of the State party to address the situation of unaccompanied minors and to enhance the quality of reception and interviewing for asylum-seeking children. However, the Committee is concerned about:

(a) The high number of unaccompanied children having gone missing from the Swedish Migration Board's special units for children without custodians;

(b) The very long processing period for asylum application, which may have negative consequences for the mental health of the child.

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

(a) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;

(b) To increase coordination between the different actors, in particular the police, the social services and Swedish Board of Migration, in order to react efficiently and in a timely manner when children disappear;

(c) To consider appointing a temporary guardian within 24 hours of arrival for each unaccompanied child;

(d) To continue and strengthen training of professionals working with and for children on the rights of these children;

(e) To conduct refugee status determination procedures for children in a child-sensitive manner, in particular by giving priority to applications of children and by considering child-specific forms of persecution when assessing an asylum-seeking child's claim under the Convention relating to the Status of Refugees of 1951.

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- Albania, CRC, CRC/C/146 (2005) 19 at paras. 115, 116, 119, 120, 127 and 128.

115. The Committee notes article 25 of the Constitution and the general provisions of the Criminal Procedure Code, according to which torture and degrading treatment or punishment are prohibited. However, the Committee regrets the lack of relevant practical information in the report, and is concerned about allegations of ill-treatment and improper use of force, in particular against children, both by public officials and the police in pre-trial detention centres, in prisons and in other institutions in which children are in the care of the State. Furthermore, the Committee is concerned that these allegations have not been investigated promptly by an independent authority.

116. In light of article 37 (a) of the Convention the State party should take all necessary and effective steps to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence. The Committee further urges the State party to undertake adequate measures to ensure that an effective system is set up for filing complaints about acts of ill-treatment and that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators.

...

119. The Committee welcomes the programmes of development of social services aimed at the deinstitutionalization of children and the shifting towards decentralized and community-based services with a view to improving living standards that are conducive to reintegration. However, the Committee remains concerned that children may be removed from their families because of their health status, or placed in institutions by parents in difficult economic situations.

120. The Committee recommends that the State party:

- (a) Take effective measures to strengthen support to families by developing a comprehensive child-centred family policy to enable families to care for their children at home;
- (b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (c) Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;
- (d) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection.

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...

127. The Committee welcomes the establishment of an inter-ministerial group to develop a National Strategy for Persons with Disabilities, but remains concerned at the large number of children with disabilities who are institutionalized, are not included in the mainstream education system, or are without education at all, and at the general lack of resources and specialized staff for these children. It is also concerned at the prevailing societal attitudes which are conducive to stigmatization of children with disabilities.

128. The Committee encourages the State party to actively pursue its current efforts and continue:

(a) To review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993, annex) and of the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69, paras. 310-339);

(b) To pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate their inclusion in the mainstream education system;

(c) To undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;

(d) To strengthen public awareness campaigns with a view to contributing to changing existing negative attitudes towards children with disabilities;

(e) To consider seeking technical cooperation from UNICEF and the WHO in this respect.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 190-193, 204, 205 and 208-210.

190. The Committee is concerned about the fact that parents automatically lose parental authority over their children when they are placed in foster care or in institutions by the courts, apparently without determining whether such an automatic measure is in the best interests of the child.

191. The Committee recommends that the State party take all possible measures, including revision of the existing legislation, in order to adequately protect parental rights and parent-child relationship and that the transfer of parental authority be used only in exceptional circumstances and in the best interests of the child.

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192. While the Committee notes that placements are reviewed every three years and that Youth Court judges frequently visit minors in institutions, it is concerned that decisions to place young people either in “open centres” (State Socio-Educational Centres) or in “closed centres” (Luxembourg Prison) are given for indeterminate periods and that review intervals are very long.

193. The Committee recommends that the State party introduce the rule that placement of children in foster care or in institutions may only be ordered for a fixed period, e.g. one year, with the possibility of prolonging the placement for another fixed period, which should provide for a regular review of the conditions of and the need for placement.

...

204. The Committee is concerned about the fact that many children attend schools in neighbouring countries, apparently due to shortcomings in the school system of the State party. The Committee is also concerned about the information that educational facilities for children with behavioural problems and/or learning disabilities are limited in Luxembourg and that, in some cases, these children have been excluded from regular schools and located in facilities for mentally and physically disabled children.

205. The Committee encourages the State party to improve and/or expand the facilities and opportunities for education in the country. It further recommends that the State party take all necessary steps to put an end to the practice of placing children with learning disabilities and/or behavioural problems in facilities for mentally and physically disabled children.

...

208. The Committee is concerned at the fact that unaccompanied and separated asylum-seeking children's accommodation is mainly provided in regular reception centres, together with adult asylum-seekers, and at the lack of foster care, specialized reception centres and qualified personnel working with asylum-seeking children.

209. The Committee is further concerned at the excessive length of asylum procedures, and that, in principle, separated children staying in Luxembourg are not entitled to reunification with their family...

210. The Committee recommends that the State party take all the necessary measures for an adequate reception of unaccompanied and separated children applying for asylum in Luxembourg. In particular, the State party should:

- (a) Address the issue of special protection and assistance rights of these children;
- (b) Provide supervision by qualified persons to ensure their physical and psychological well-being;
- (c) Provide the possibility for an appropriate caregiving relationship, such as through foster

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care or by special reception facilities designed for children;

(d) Reduce the length of the procedures for children seeking asylum and deal with application by a child or his/her parents for the purpose of family reunification in a positive, humane and expeditious manner, in the light of article 10 of the Convention;

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 269 and 270.

269. While the Committee acknowledges the efforts undertaken by the State party at the Federal and Länder level to increase the number of adequate accommodation places for unaccompanied and separated asylum-seeking children, it remains concerned that the existing reception facilities are still insufficient compared to the number of applicants and that unaccompanied and separated asylum-seeking children are not systematically assigned guardians.

270. The Committee recommends that the State party:

(a) Ensure that guardians are systematically assigned to unaccompanied and separated asylum-seeking children and that the best interests of the child are duly taken into account;

(b) Ensure that all interviews with unaccompanied and separated asylum-seeking children are carried out by professionally qualified and trained personnel;

(c) Provide for adequate accommodation, taking into account the state of development of all unaccompanied and separated asylum-seeking children;

(d) Fully take into account the principle of the best interests of the child when deciding on the deportation of unaccompanied and separated asylum-seeking children and to avoid their placement in custody pending deportation.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 334, 335 and 338-341.

334. While noting the State party's efforts to support parents and to develop their parental skills, *inter alia*, through the Community and Parenting Empowerment Project (COMPAR), the Committee expresses serious concern about the provisions of the Certified Institution (Children's Reformation) Act on "uncontrollable behaviour" according to which parents are able to seek institutional care, primarily within the Youth Hostel, for a child beyond parental control.

335. The Committee urges the State party to provide parents and children with adequate

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knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of “uncontrollable behaviour” of children and to gradually preparing for “deinstitutionalization”.

...

338. The Committee welcomes the efforts of the State party to improve the practice of foster care, to facilitate adoption, to give preference to domestic over inter-country adoption and to prevent the abuse of adoption, for instance, through trafficking and sale of children. The Committee regrets that the State party has not ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

339. The Committee recommends that the State party continue and strengthen its efforts to improve and promote foster care and domestic adoption, ensure that its laws, regulations and practices regarding domestic and intercountry adoptions are in full compliance with article 21 of the Convention, and ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

340. While noting the State party's efforts to combat violence against children and child abuse, including through the Families and Children (Child Abuse) (Reporting) Regulations, the Committee remains gravely concerned at the generally violent environment in which Belizean children are living and at the growing number of cases of murders, abductions, violence in the streets, domestic violence and sexual abuse of minors, especially girls.

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

(a) To effectively implement the Families and Children (Child Abuse) (Reporting) Regulations and conduct timely and adequate investigations of cases of child abuse and violence in order to bring perpetrators to justice;

(b) To introduce awareness-raising campaigns, with the involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual child abuse, and to change public attitudes and prevailing cultural practices in this respect;

(c) To ensure due adherence to all relevant protocols, policies and procedures regarding the management of child abuse cases;

(d) To ensure that child victims of violence and abuse have access to “one-stop service” and adequate counselling and multidisciplinary assistance with recovery and reintegration.

- Bahamas, CRC, CRC/C/146 (2005) 77at paras. 407 and 408.

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407. The Committee is concerned that the so called “children with uncontrollable behaviour” can be placed in an institution at the parent’s or parents’ request.

408. The Committee urges the State party to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of uncontrollable behaviour of children and to gradually prepare for de-institutionalization

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 484-487, 499 and 500.

484. The Committee welcomes the information, in paragraphs 95 and 96 of the State party report, that one of its priorities will be the development of child adoption in its lawful form and the provision of counselling services in that regard, but remains concerned at the lack of a clear legal and policy framework for various forms of alternative care, such as fostering, or *kafalah*. It is particularly concerned about the large number of orphaned children born out of wedlock, the large number of long-term orphans resulting from the Bam earthquake currently in institutional care, and the temporary placement of the children of drug addicts, who may be obliged to stay in institutional care for long periods, as well as the poor quality of supervision, monitoring and training of the staff of these institutions. It is also concerned about reports that a certain number of girls from these institutions are married off upon reaching the marriageable age (13 years).

485. The Committee recommends that the State party develop and implement legislative and other measures, policies and procedures to ensure that children do receive, when necessary, adequate alternative care, preferably in their own immediate families or extended families or in care of a family nature in the form of foster care, or *kafalah*, which fully respects the provisions of the Convention, in particular articles 20 and 21. In this regard, the Committee encourages the State party to undertake, as a self-recognized priority in its written replies, action to maintain and promote service standards for, *inter alia*, foster families, “pseudo-families” and institutional care. The Committee further recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and seek technical assistance and advice on these issues from, among others, the Hague Conference on Private International Law and UNICEF.

486. The Committee is concerned about the large number of children living in prisons with their mothers and about their living conditions and the regulation of their care if they are separated from their mothers in prison.

487. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their mothers in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and out of

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prison) and ensure that the living conditions in prisons are adequate for the child's development in accordance with article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison and allow them to maintain personal relations and direct contact with their mothers remaining in prison.

...

499. The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as "Khaneh Sabz", "Khaneh Shoush" and "Khaneh Reyhane" homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a "condition" for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods.

500. The Committee recommends that the State party:

- (a) Take measures to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;
- (b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development, providing official documents when necessary;
- (c) Ensure that child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arbitrary and/or unlawful arrest and maltreatment by the police, and effective services for reconciliation with their families and community;
- (d) Ensure that all Afghan children rounded up on the streets are released and are not used to push their parents to repatriate;
- (e) Collaborate with NGOs working with street children in the State party and seek technical assistance from relevant United Nations and other international organizations.

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- Togo, CRC, CRC/C/146 (2005) 104 at paras. 555, 556, 583 and 584.

555. The Committee is concerned about the vague adoption procedures, the occurrence of informal adoption and the absence of mechanisms to review, monitor and follow up adoption, especially intercountry adoptions.

556. The Committee recommends that the State party take all necessary measures to protect adopted children even in the extended family, including by establishing a system to monitor and supervise effectively the system of adoption of children, in the light of article 21 of the Convention. The Committee further recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

...

583. While noting the efforts made by the State party to prevent and combat sexual exploitation of children, the Committee is concerned that:

(a) Little data is available on the extent and patterns of sexual exploitation and prostitution of children;

(b) Existing legislation intended to protect children from sexual exploitation and prostitution is neither sufficient nor effective;

(c) Child victims of sexual exploitation often do not receive adequate protection and/or recovery assistance.

584. The Committee recommends that the State party:

(a) Undertake a national study on the extent and pattern of the phenomenon;

(b) Enact a law providing adequate protection to children victims of sexual exploitation, including trafficking, child pornography and prostitution;

(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases, in a child-sensitive manner that protects the child victims and respects their privacy;

(d) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and ensure that victims who cannot return to their families are not institutionalized.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 630-635.

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630. The Committee is concerned about the large number of children separated from their parents who are living in institutions in the State party, despite the State party's intention to reduce the number of institutionalized children. It also notes with concern that parents in some cases place their children in institutions for economic reasons.

631. The Committee recommends that the State party take effective measures to reduce institutionalization of children by undertaking well-targeted efforts to return children to their parents and by strengthening and supporting the system of foster care and, whenever appropriate, domestic adoption. The State party should ensure that placements in institutions are periodically reviewed.

632. The Committee reiterates its concern about the situation of children living in prisons with one of their parents and about the living conditions of these children and the regulation of their care if they are separated from their parent in prison.

633. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their parent in prison, in instances where this is considered to be in the best interest of the child (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison) and ensure that the living conditions in prisons are adequate for the child's development, as required by article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison, which is regularly supervised and allows the child to maintain personal relations and direct contact with its parent remaining in prison.

634. The Committee welcomes measures taken to strengthen the protection of the rights of adopted children. However, the Committee is concerned about the limited understanding and acceptance in the State party that domestic adoptions are more desirable than intercountry adoptions, the lack of mechanisms to prepare prospective adoptive parents, and the lack of mechanisms to follow up and monitor the situation of adopted children and children placed in foster care. The Committee is also deeply concerned about the continuing occurrence of illegal adoptions.

635. The Committee recommends that the State party develop and implement a comprehensive adoption policy and raise awareness of the importance of domestic adoption. As stipulated in article 21 (b) of the Convention, intercountry adoption should be considered an alternative means of childcare only if an adoptive family or foster care placement cannot be found within the country. Effective mechanisms to review, monitor and follow up adoption of children should be established. The Committee urges the State party to strengthen its efforts to prevent illegal adoptions and to ensure that its legislation and practice on national and international adoptions is brought into line with article 21 of the

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Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, respectively. The central authorities should be provided with adequate resources to regulate and monitor the activities of international adoption agencies in the State party.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 706-709, 737 and 739.

706. In view of the information that cases of abandoned children are common and that the number of HIV/AIDS orphans is rapidly increasing, the Committee is concerned that the State party does not have a comprehensive and well-resourced policy programme in place for the protection of orphans, and that current facilities available for the alternative care of children deprived of their family environment are qualitatively and quantitatively insufficient and many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee is concerned that children themselves are not heard prior to and during their placement.

707. The Committee recommends that the State party:

- (a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, introduction of effective legislation, reinforcement of existing structures like the extended family, improved training of staff and allocation of increased resources to relevant bodies;
- (b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention;
- (c) Systematize the hearing of the views of the child concerning his/her placement;
- (d) Provide for regular periodic review of the placement of children in institutions;
- (e) Ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption;
- (f) Seek assistance from UNICEF in this regard.

708. The Committee is deeply concerned about:

- (a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and

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extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

(a) Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

(c) Give attention to addressing and overcoming sociocultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;

(d) Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;

(e) Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach;

(f) Use as a guidance for further actions the recommendations of the Committee adopted on its days of general discussion (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745); and

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

...

737. The Committee notes with appreciation the State party's ratification of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ILO

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Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2002. However, it remains concerned at the significant number of children in Nigeria working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. The Committee is also concerned that exploitation and abuse commonly take place in the context of extended family fostering and apprenticeship.

...

739. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and to develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO-IPEC;

(b) Make every effort, including preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities; and

(c) Take action to implement all policies and legislation relevant to child labour, *inter alia*, through awareness-raising and educational campaigns for the public on the protection of the rights of children.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 69-73, 76 and 77.

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

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

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

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

73. The Committee recommends that the State party:

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

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

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

...

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

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

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 141, 142, 144, 145, 151, 152, 156 and 157.

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

142. As regards torture and other cruel, inhuman or degrading treatment or punishment, the Committee urges the State party to review its legislation in order to provide children with better protection against torture and ill-treatment in the home and in all public and private institutions and to criminalize torture by law. The Committee recommends that the State

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party investigate and prosecute all cases of torture and ill-treatment of children, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected. The State party should ensure that child victims are provided with appropriate services for care, recovery and reintegration. The Committee recommends that the State party continue its efforts in training professionals working with and for children, including teachers, law enforcement officials, care providers, judges and health personnel in the identification, reporting and management of cases of ill-treatment.

...

144. While noting the State party's efforts to prohibit the use of corporal punishment in schools, prisons, institutions and forms of childcare by implementing various relevant provisions, the prevalence of corporal punishment in society gives cause for serious concern. The Committee is concerned that a provision for corporal punishment is not included in the Child and Youth Welfare Code and regrets that corporal punishment in the home is not explicitly prohibited by law.

145. In the light of its general comment No. 1 (2001) on the aims of education and the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), the Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and it is inconsistent with the requirement of respect for the child's dignity, as specifically required by article 28, paragraph 2, of the Convention. Therefore, the Committee recommends that the State party prohibit by law all forms of corporal punishment in the home, in schools and in private and public institutions, in the juvenile justice system and the alternative care system.

...

151. The Committee welcomes the ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and notes with appreciation the provisions of the Intercountry Adoption Law (Republic Act No. 8043) and the Domestic Adoption Law (Republic Act No. 8552). The Committee takes note with concern that the Government bill on the Foster Care Act has been pending in Congress for several years. The Committee is concerned that the lengthy process of declaring a child for adoption results in a prolonged stay in an institution. The Committee also notes with concern that intercountry adoption is not used as a last resort.

152. The Committee recommends that the State party make every effort to ensure that all adoptions fully comply with the principles and provisions of the Convention as well as with other relevant international standards and are conducted in the best interests of the child and that intercountry adoption is used as a last resort. The Committee encourages the State party to adopt and implement as a matter of priority the Foster Care Act. The Committee recommends to the State party that it identify the factors in the adoption process which result in children's prolonged stay in institutions. Furthermore, the Committee recommends that the State party provide foster parents and foster children with adequate psychosocial

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services.

...

156. As regards children living in prison with their mothers, the Committee is concerned about access to adequate social and health services for these children and particularly, about their living conditions, which are often poor and fall short of international standards.

157. The Committee recommends that the State party ensure that living conditions and health services in prison are adequate for the child's early development in accordance with article 27 of the Convention and that the principle of the best interests of the child (article 3 of the Convention) is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers. The Committee recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, the Committee recommends that the State party ensure that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 236-239, 242 and 243.

236. The Committee is concerned that children's right to privacy is not fully respected, in schools, media and other institutions.

237. The Committee recommends that the State party take all possible measures to guarantee the conditions for respecting the right to privacy for children.

238. The Committee notes the important work and the broad mandate of the social work centres as guardianship authorities dealing with several issues (i.e. placement of children in institutions, adoption regulation, administrative and other assistance to children and families).

239. The Committee recommends that the State party provide the social work centres with adequate human and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee quality, efficiency and transparency of all activities of these institutions.

...

242. The Committee notes that, during and after the armed conflict, the number of children's homes receiving children without parental care more than doubled. The Committee is concerned that these institutions may become, in some cases, places of potential discrimination, because of, *inter alia*, limited access to health care, lack of adequate life skills training, lack of adequately educated professionals, poor facilities and lack of adequate

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resources. Furthermore, the Committee is concerned that, once a child is in alternative care, little effort is made to reunify the family and child.

243. The Committee recommends that the State party ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child, and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 328-331 and 334-338.

328. The Committee is concerned that corporal punishment and ill-treatment of children is prevalent in the family, in schools and in other institutions. The Committee is concerned about the provisions in the 1992 Children's Act and the 1963 Muluki Ain (Civil Code) which provide for corporal punishment in the home, in schools and in other institutions and forms of childcare, which is in clear contravention of article 19 of the Convention. The Committee underlines the importance of specific legal prohibition of traditional practices which are harmful to children by law.

329. The Committee recommends that the State party:

- (a) Expressly prohibit corporal punishment and ill-treatment of children by law in the family, schools and other institutions;
- (b) Expedite the process of amending the relevant provision of the Children's Act and the 1963 Muluki Ain to ensure compliance with article 19 of the Convention;
- (c) Strengthen awareness-raising campaigns to inform parents, teachers and professionals working with children, particularly in institutions, as well as the public at large about the negative impact of corporal punishment and ill-treatment on children and actively involve children and the media in the process;
- (d) Ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the child's human dignity and in conformity with the Convention, in particular article 28 (2) as an alternative to corporal punishment at all levels of society.

330. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current

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armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives. Furthermore, the Committee is concerned that these residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

331. The Committee recommends the State party:

- (a) To develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and vulnerable families such as single-parent households;
- (b) To undertake effective measures for the reunification of separated families, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;
- (c) To ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placement is only used as the last resource and for the shortest time possible.

...

334. Given the significant number of Nepalese children who are adopted by foreigners and in the context of the current armed conflict in the State party, the Committee is concerned at the lack of a clear policy and appropriate legislation on intercountry adoption, which results in various practices, such as trafficking and smuggling of babies. The Committee is particularly concerned about the absence of due judicial process, including technical assessment of the capacity of the parents or guardians, in cases involving termination of the parental responsibility. The Committee also expresses concern regarding the practice of the so-called informal adoption, which may entail exploitation of children as domestic servants.

335. The Committee recommends the State party to develop and implement policies and legal provisions regarding intercountry adoption to guarantee that the practice of this form of adoption is in full conformity with the principles and provisions of the Convention, in particular, article 21. In this regard, the Committee recommends the State party to, in particular:

- (a) Ratify the Hague Convention on Protection of Children and Cooperation in Respect of

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Intercountry Adoption, in order to *inter alia*, prevent trafficking and smuggling of children;

(b) Review the current mechanisms and procedures for domestic and intercountry adoption, particularly the role and the responsibilities of the national and district level decision-making bodies with a view to ensuring that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in the light of the Hague Convention;

(c) Develop and implement strict criteria for the adoption of Nepalese children, ensuring in particular that reasonable time is given for an effective tracing of the parents or close relatives of children separated from them as a result of the armed conflicts, and abolish the provisions in the Conditions and Procedures made to provide Nepalese Children to Foreign Nationals for Adoption (2000), that states that poverty of the parents of a child can be a legal ground for adoption;

(d) Ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criteria in all cases involving adoption;

(e) Regulate and monitor the practice of placing children with close relatives or others, to prevent children from being exploited, and to ensure that all their rights, including the right to education and to health care are fully respected.

336. While noting that the Children's Act prohibits any cruel treatment of children by parents, guardians or teachers, the Committee is alarmed by the prevalence of child abuse and domestic violence in the State party and is of the view that the domestic legislation currently in place in the State party does not afford adequate protection to children and women against abuse and domestic violence. In particular, the Committee notes that the Children's Act which protects children from cruel treatment does not provide for an effective remedy mechanism, and that violation of the Act is not considered as a State crime and thus only provides remedy under civil court procedures. The Committee further regrets that the Domestic Violence Control Bill which was passed in April 2002 by the Parliament before it was dissolved, was never enacted. The Committee is concerned that insufficient awareness exists in the State party, of violence against women and children as a crime punishable by law, including among law enforcement officials.

337. The Committee, while noting that the Children's Act also provides for inspection of care provided in children's homes, rehabilitation centres and orphanages, is concerned about the lack of appropriate complaint filing mechanisms and of designated places of safety for child victims of abuse and neglect. The Committee is also concerned that prosecution against child abuse and neglect may be impeded as a result of major infrastructural problems in the legal system.

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338. The Committee recommends the State party to take the necessary measures to prevent child abuse and neglect, by, *inter alia*:

(a) Undertaking a study on the causes and scope of this phenomenon and establishing a comprehensive strategy to address the high and increasing number of child abuse, neglect and domestic violence cases, with the aim of preventing and reducing this phenomenon;

(b) Introducing legislation making reporting obligations mandatory for suspected cases of abuse and neglect for all professionals working for and with children, and training them in the identification, reporting and management of cases of ill-treatment;

(c) Carrying out public education campaigns that raise awareness of the consequences of ill-treatment of children and the alternative measures of discipline for children, addressing sociocultural barriers that inhibit victims from seeking assistance;

(d) Establishing effective mechanisms for receiving, monitoring and investigating complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect, as well as instituting appropriate witness and victim protection systems;

(e) Providing services for the physical and psychological recovery and social reintegration of victims of sexual abuse and any other child victims of abuse, neglect, ill-treatment, violence or exploitation, and taking appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with NGOs;

(f) Seeking technical assistance from, *inter alia*, UNICEF and WHO.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 429-432.

429. The Committee notes with concern the increasing number of children deprived of their natural family environment due to, *inter alia*, poverty, unemployment and the increasing number of parents migrating to other countries in search of better opportunities, thereby leaving their children behind without proper care and in the custody of relatives or institutions.

430. The Committee recommends that the State party undertake measures to strengthen the family through the provision of adequate financial resources and to the reinforcement of community-based structures for children deprived of their family environment and into line with article 25 of the Convention, conduct periodic reviews of the placement of children, and ensure institutionalization is a last resort.

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431. While taking note that the new Childhood and Adolescence Code establishes the principle of priority for the support of the family of origin over adoption, and the subsidiarity of intercountry adoption over domestic adoption, the Committee remains concerned about the lack of human and financial resources, including adequate training for the Central Authority.

432. The Committee recommends that the State party reinforce the Central Authority with adequate human and financial resources, with clear functions and an accreditation and supervisory mechanism of national and foreign bodies intervening in intercountry adoption in accordance with the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 487-492, 505 and 506.

487. The Committee is concerned at the number of children who have been removed from their families and live in foster homes or other institutions. In this regard, the Committee notes the State party's willingness to review its practices concerning the removal of children from their family environment.

488. The Committee recommends that the State party take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents. The State encourages the State party to give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child.

489. While welcoming the efforts of the Ministry of Children and Family Affairs, the Committee is concerned about the insufficient periodic review of children placed in foster homes due to a lack of sufficient numbers of supervisors and lack of training of supervisors.

490. The Committee recommends that the State party pursue its efforts to ensure adequate supervision of the situation of children placed in foster homes or institutions.

491. The Committee is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

492. The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family or whose parents are psychiatric patients and/or drug abusers, including through:

- (a) Ensuring that all victims of violence have access to counselling and assistance with

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recovery and reintegration;

(b) Providing adequate protection to child victims of abuse within their homes;

(c) Strengthening measures to address the root causes of violence within the family, giving special attention to marginalized and disadvantaged groups;

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

...

505. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres...

506. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system...

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 548, 549, 554, 555, 577 and 578.

548. The Committee is concerned at the increasing number of children in institutional care, including children who fled from their homes and were placed in child care centres. Referring to article 25, paragraph 9, of the Family Law, the Committee is of the view that the placement procedures are not fully in conformity with the principles and provisions of the Convention.

549. In the light of article 20 of the Convention, the Committee recommends that the State party:

(a) Take immediate preventive measures to avoid separation of children from their family environment and to reduce the number of children living in institutions;

(b) Ensure that the placement of children in institutional care is always assessed by a

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competent, multidisciplinary group of authorities and that the placement is done for the shortest period of time and subject to judicial review and that it is further reviewed in accordance with article 25 of the Convention;

(c) Strengthen its efforts to develop the traditional foster-care system by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and other family-based alternative care;

(d) Provide appropriate assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling and community-based programmes for parents.

...

554. The Committee is concerned that the number of places available in services, such as day care and pre-school facilities, appears to be inadequate and there are notable regional disparities in this respect.

555. In the light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party take immediate measures to increase the number of places in day care and pre-school facilities, paying particular attention to the regional equality.

...

577. The Committee regrets that the State party report did not provide it with adequate information about the situation of street children. While noting with appreciation the establishment of centres for children living in the street, the Committee is concerned at the increasing number of street children living in very harsh conditions and that the causes leading to this phenomenon are often abusive family situations. According to the Law on Temporary Detention of Children without Supervision adopted in July 1994, a runaway child can be detained up to one week. The Committee is concerned that the State party's domestic legislation does not remain in full conformity with the principles and provision of the Convention in this respect. Furthermore, the Committee notes with concern that the negative public attitudes and prejudices against street children exacerbate their difficult situation.

578. The Committee recommends that the State party:

(a) Adopt a comprehensive national strategy to address the situation of street children, paying particular attention to the most vulnerable groups, and provide these children with adequate assistance, including recovery and social reintegration services for physical, sexual and substance abuse and vocational and life-skills training in order to support their full development;

(b) As regards the implementation of the Law on Temporary Detention of Children without Supervision, adopted in July 1994, refrain as a matter of policy from detaining runaway children and seek alternative forms, which are fully compatible with the provisions of the

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Convention, for their detention;

(c) Undertake an action-oriented study to identify the root causes and magnitude as well as the personal characteristics of street children in order to prevent this phenomenon and provide street children with services which are tailored for their needs and also provide them with opportunities for reunification with their family;

(d) Raise awareness of children living in the streets in order to change negative public attitudes about them;

(e) Collaborate with non-governmental organizations working with street children in the State party and with children themselves and seek technical assistance from, among others, UNICEF.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 628-632, 656 and 657.

628. The Committee notes with concern the difficulties that some parents and families encounter - such as unemployment, malnutrition and lack of adequate housing - which may cause abandonment or abuse resulting in placement of children in institutions or in adoption.

629. The Committee recommends that the State party undertake - in cases where a child is deprived of her/his family environment - maximum efforts to return the child to the family of origin. If that action is not in the best interests of the child, efforts should be undertaken to place the child in a family-type form of alternative care, with preference for kinship care and to use institutional placement only as a measure of last resort. In case adoption is in the best interests of the child, preference should be given to domestic over inter-country adoption. The Committee recommends in this regard that the State party ensure that its legislation and practice regarding adoption is brought in line with article 21 of the Convention and that it become a party to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption.

630. While the Committee welcomes the National Plan of Action 2001-2006 for the prevention of domestic and sexual violence and the fact that children who are victims of abuse can directly file a complaint, it is concerned that domestic violence and abuse of children is an increasing phenomenon in Nicaraguan society.

631. The Committee, reiterating its previous recommendation, urges the State party to strengthen its efforts in order to address ill-treatment of children within the family and reinforce the mechanisms monitoring the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care, of a welfare, educational or penal nature. The

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Committee also recommends that the State party ensure adequate protection of child victims of abuses and avoid re-victimization of children who are involved in legal procedures, *inter alia*, by accepting videotaped testimony of children as admissible evidence in court.

632. Furthermore, the Committee encourages the State party to establish a toll-free child helpline service, which would give easy access to children in need of care and protection to counselling and support, and to provide it with adequate means in order to be able to give appropriate follow-up to the requests made.

...

656. The Committee is concerned at the growing number of street children living in the State party, especially in Managua, as well as at the increasing emergence of street youth gangs (*pandillas*) in the country, of which over 100 are believed to operate in the capital.

657. The Committee recommends that the State party:

(a) Carry out a comprehensive study to assess the scope, nature and causes of the presence of street children and youth gangs (*pandillas*) in the country in order to develop a comprehensive policy for their prevention and reduction;

(b) Provide street children with recovery and social reintegration services and provide them with adequate nutrition, housing, necessary health care and educational opportunities; and

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

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 702-707.

702. The Committee recognizes the continuum of alternative care services available from PANI for children deprived of a family environment. It is however concerned at the considerable duration of interim placement, which in some cases may last over three years, before the matter is brought before a judge for a decision on the final placement of these children.

703. The Committee recommends that interim placement is done for the shortest period of time and regularly reviewed in accordance with article 25 of the Convention. The Committee further recommends that the matter be brought before a judge at the initial phase of the separation of the child from his or her parents.

704. The Committee welcomes the proposed amendment of the Adoption Act as a follow-up to its previous recommendation (CRC/C/15/Add.117, para. 19) to review its legislation in order to bring it into full compliance with article 21 of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

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But it remains concerned that this bill is still pending with the Legislative Assembly and that the practice of private or direct adoption which results in cases of trafficking is still not effectively prohibited.

705. The Committee recommends to the State party that it take all effective measures to expedite the adoption of the above-mentioned amendments, implement the recommendations made by the Office of the Ombudsman (2001-2002) following the investigation undertaken on the process of adoption both at the national and international level, in order to put an end to the practice of private/direct adoptions, and ensure that they fully comply with article 21 of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, in particular by providing the Council on Adoption and the national commission on adoption with the resources necessary for the effective performance of their mandates.

706. With reference to its previous recommendation (CRC/C/15/Add.117, para. 20) concerning the prevention of abuse and ill-treatment of children, the Committee notes the effort made by the State party to address the problems of child abuse and neglect, *inter alia* by promoting the reporting of alleged cases of child abuse, the waiver of civil/criminal responsibility in case of reporting in good faith, the establishment of a protocol for dealing with cases of child abuse and the functioning of the helpline 911. But the Committee is concerned that the provision of services to child victims is to a large degree left to non-governmental organizations and that a comprehensive prevention policy has not been developed.

707. The Committee recommends the State party to strengthen its efforts to combat child abuse and neglect in particular by actively supporting helplines such as 911 and *Línea cuenta conmigo*, increase its support to non-governmental organizations and implement programmes under PANI's responsibility to ensure that child victims do receive the necessary protection, counselling and other support. The Committee also recommends the review of existing legislation in order to ensure that legal procedures dealing with cases of child abuse are child sensitive, do respect the child's privacy and prevent revictimization of the child, *inter alia*, by accepting videotaped testimony of the child victim as admissible evidence. The Committee further recommends the State party to develop and implement a comprehensive policy for the prevention of child abuse and neglect...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 779 and 780.

779. The Committee welcomes the care for children in need of alternative care such as *kafalah* (informal and formal), but remains concerned regarding the quality of care children receive in such orphanages, particularly those which are very large and lack proper regulations or mechanisms for the monitoring and control of child placement within these

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institutions.

780. The Committee recommends that the State party:

(a) Place greater emphasis on financial and other support, including relevant information for parents who face difficulties in the upbringing of their children;

(b) Promote small-scale alternative care in institutions and establish standard procedures for the quality of the care provided in institutions, including establishing standards and procedures for alternative care, including with regard to the domains of health, education and safety, and in accordance with the principles and provisions of the Convention; and

(c) Ensure that placement in institutions is periodically reviewed, in the light of article 25 of the Convention.

- Norway, CRC (Optional Protocol - Sale of Children, Prostitution, Pornography), CRC/C/150 (2005) 177 at paras. 830 and 831.

830. The Committee is concerned that expertise relating to sexually exploited children is limited in the child welfare service in the State party.

831. The Committee recommends that the State party continue to strengthen measures to ensure that child welfare workers receive adequate training on the provisions of the Optional Protocol and to provide assistance and support in this area for vulnerable children.