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III. CONCLUDING OBSERVATIONS

ICCPR

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at para. 324.

It is of concern that in a number of key areas children are not adequately protected under the terms of existing legislation. In particular, it is of concern that marriageable age is defined as the onset of puberty, that criminal responsibility begins at age 7 and that persons between 16 and 18 years of age are not considered children or youthful offenders and are subject to penal sanction.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at para. 455.

The low age of criminal responsibility and the stipulation in the Penal Code by which a child above 8 years of age and under 12 years of age can be held criminally responsible on the determination by the judge of the child's maturity and understanding of the nature and consequence of his or her conduct are matters of profound concern.

- France, ICCPR, A/52/40 vol. I (1997) 62 at para. 404.

The frequent resort to and length of pre-trial detention is of concern. It is a matter of particular concern that the length of pre-trial detention is high in the case of juveniles. This constitutes violations of articles 9, paragraph 3, and 14, paragraphs 2 and 3 (c), of the Covenant. It is also of concern that the right to legal counsel may not be available to a juvenile in certain proceedings. Therefore, measures should be taken to reduce the length of pre-trial detention and to ensure legal aid to juveniles in legal proceedings.

- Cambodia, ICCPR, A/54/40 vol. I (1999) 57 at para. 307.

Children should not be detained in juvenile detention facilities for considerable periods without charge, access to a lawyer or access to court.

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- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at paras. 251 and 252.

Paragraph 251

Concern is expressed that the age of criminal responsibility is seven years.

Paragraph 252

The age of criminal responsibility should be raised so as to ensure the rights of children under article 24.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 369.

It is of profound concern that children, including children under 10 years of age, are held in detention on remand.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(21).

Cases of children being detained, arrested and held in custody without being able to exercise their right to a lawyer, and subjected to ill-treatment and unlawful investigative methods, in contravention of articles 7, 10, and 24 of the Covenant, are of concern. The lack of information on this subject and on the policy the State party intends to pursue to address this problem is also of concern. The State party should enact a new criminal procedure law to deal specifically with juveniles.

- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(5c).

Serious concern is expressed that the new law on assisted suicide is also applicable to minors who have reached the age of 12 years. It is noted that the law provides for the consent of parents or guardians of juveniles up to 16 years, while for those 16 to 18 years the parents' or guardian's consent may be replaced by the will of the minor provided that the minor can appropriately assess his or her interests in the matter. The Committee considers it difficult to reconcile a reasoned decision to terminate life with the evolving and maturing capacities of minors. In view of the irreversibility of euthanasia and assisted suicide, the Committee wishes to underline its conviction that minors are in particular need of protection.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(27).

Concern is expressed about the situation of children in the State party and, in particular, about the

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postponement of the entry into force of the Juvenile Code, which was adopted and promulgated, but then had its entry into force deferred. The State party should promulgate a Juvenile Code that guarantees minors the enjoyment of all their rights pursuant to article 24 of the Covenant.

CRC

- Bolivia, CRC, CRC/C/16 (1993) 13 at paras. 38 and 43.

Paragraph 38

With regard to articles 37 and 40, concern is expressed over the fact that there are no adequate safeguards to ensure non-discrimination in the implementation of these provisions of the Convention. The present discretionary procedure of considering the "personality" of the child as a criterion for passing sentence is also of concern. This practice, in its actual application, may often be discriminatory against children living in poverty. The inadequate separation of children from adults in detention and that children may remain in custody for the excessively long period of 45 days before the legality of their detention is decided upon are also of concern. The age for legal counselling without parental consent is unclear and practices in this regard may not be in conformity with article 37 (d) of the Convention.

Paragraph 43

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

- Viet Nam, CRC, CRC/C/16 (1993) 18 at para. 66.

The appropriate amendments should be made to the Penal Code in order to adequately reflect the provisions contained in articles 37, 39 and 40 of the Convention and the relevant provisions of the Code of Conduct for Law Enforcement Officials and other international standards in this field such as the "Beijing Rules", the "Riyadh Guidelines" and the Rules for the Protection of Juveniles Deprived of their Liberty. In this connection, a training course for law enforcement personnel should be organized by the Centre for Human Rights in Viet Nam.

- Russian Federation, CRC, CRC/C/16 (1993) 21 at para. 82.

The compatibility of juvenile justice and penitentiary institutions with article 37 of the Convention and how the rights of the child to leisure and contact with family and the best interests of the child are protected in such situations are of concern.

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- Egypt, CRC, CRC/C/16 (1993) 24 at paras. 100 and 106.

Paragraph 100

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

Paragraph 106

Adequate protection should be afforded to children in conflict with the law. The appropriate amendments should be made to the Juveniles Act No. 31 of 1974 to adequately reflect the provisions of the Convention as well as other international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the Rules for the Protection of Juveniles Deprived of their Liberty. In that regard it is suggested that the general principles relating to the best interests and dignity of the child and their role in society be taken into account. Deprivation of liberty should always be envisaged as the very last resort, and particular attention should be paid to rehabilitation measures, psychological recovery and social reintegration. Furthermore, deprivation of liberty in social care institutions should be regularly monitored by a judge or an independent body.

- Peru, CRC, CRC/C/20 (1993) 16 at paras. 63 and 72.

Paragraph 63

It is deplorable that under Decree-Law No. 25564, children between 15 and 18 years of age, who are suspected of being involved in terrorist activities, do not benefit from safeguards and guarantees afforded by the system of administration of juvenile justice under normal circumstances.

Paragraph 72

The provisions of Decree-Law No. 25564 dealing with the liability of children suspected of being involved in terrorist activities should be repealed or amended in order for children below 18 years of age to enjoy fully the rights set forth in articles 37, 39 and 40 of the Convention.

- El Salvador, CRC, CRC/C/20 (1993) 19 at para. 84.

Concern is expressed over the concept of children in "irregular situations" in Salvadorian law. Clarification is needed with regard to the criteria used to define this concept, as well as the possible applicability of penal law to such children.

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- Mexico, CRC, CRC/C/24 (1994) 12 at para. 36.

The lack of implementation, in practice, of the provisions of the Convention in domestic legislation relating to the administration of juvenile justice and to the treatment of young offenders is worrisome.

- Pakistan, CRC, CRC/C/29 (1994) 10 at para. 56.

The system of administration of juvenile justice should be reviewed to ensure its compatibility with the provisions and principles of the Convention. Technical advice and assistance in this regard could be sought from the programme of advisory services and technical assistance of the Centre for Human Rights.

- Burkina Faso, CRC, CRC/C/29 (1994) 15 at para. 71.

The sanctions set forth in legislation as regards juvenile offenders, especially in cases carrying the death penalty or life imprisonment, reduced respectively to life imprisonment or to 20 years' imprisonment, are excessively high. Harsh sentences, as well as the occurrence of arbitrary detention of juveniles and the admittedly very difficult conditions of detention, are not in conformity with the provisions of articles 37 and 40 of the Convention.

- Jordan, CRC, CRC/C/29 (1994) 21 at para. 122.

In the field of administration of juvenile justice, the application of article 92 of the Penal Code, in accordance with which, although no one under 18 years of age may be held criminally responsible, criminal proceedings may be brought against children over 7 years of age, is of concern. It is also deplorable that children taken into custody though not convicted of any criminal offence, may nevertheless be kept in detention in the same premises as convicted persons.

- Chile, CRC, CRC/C/29 (1994) 25 at para. 152.

A legal system of administration of juvenile justice should be established in the light of the principles and provisions of the Convention, in particular articles 37 and 40, as well as other relevant United Nations standards, including the Beijing Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Riyadh Guidelines. Such a legal system should also address the important question of the minimum age of criminal responsibility, particularly in the light of the best interests of the child. In this respect, attention is drawn to the availability of the programme of advisory services and technical assistance of the Centre for Human Rights.

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- Argentina, CRC, CRC/C/38 (1995) 10 at para. 44.

A larger part of the education and training of law enforcement personnel, judges and other administration of justice officials should be devoted to an understanding of international standards of juvenile justice. Juvenile courts should be set up in all provinces.

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

Serious consideration should be given to raising the age limit for sexual consent and penal responsibility, to eliminating discrimination towards children born out of wedlock, to the prohibition of torture and to the revision of legal provisions with regard to the administration of juvenile justice.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at paras. 212 and 222.

Paragraph 212

The absence of effective safeguards to prevent the ill-treatment of children under the emergency legislation is a concern. In this connection, under the same legislation it is possible to hold children as young as 10 years of age for seven days without charge. The emergency legislation which gives the police and the army the power to stop, question and search people on the street has led to complaints of children being badly treated. This situation, which may lead to a lack of confidence in the system of investigation and action on such complaints, is a concern.

Paragraph 222

The Criminal Evidence (N.I.) Order 1988 which appears to be incompatible with the right to presumption of innocence and the right not to be compelled to give testimony or confess guilt, is of concern.

- Belgium, CRC, CRC/C/43 (1995) 20 at paras. 106 and 110.

Paragraph 106

Concern is expressed about the possibility of relinquishment of jurisdiction provided for in article 38 of the Young Persons' Protection Act which allows for young persons between 16 and 18 to be tried as adults and thereby face the imposition of a death sentence or a sentence of life imprisonment. Article 53 of the same Act is also of concern since children may be kept in prison for a period of 15 days and may be kept in isolation.

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Paragraph 110

Steps should continue to be taken with a view to ensuring the abolition of the death penalty in peacetime as well as in wartime.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at paras. 147 and 156.

Paragraph 147

It is of concern that the views of the child are not sufficiently taken into account, especially within the family, the school and the juvenile justice system.

Paragraph 156

The low age of criminal responsibility (8 years old) and the status of children between 16 and 18 years old who are considered adults by penal law are of deep concern since those children are examined by adult courts.

- Yemen, CRC, CRC/C/50 (1996) 9 at paras. 35 and 39.

Paragraph 35

Deep concern is expressed about the insufficient measures taken to ensure the full implementation of the provisions and principles of the Convention in the area of the administration of juvenile justice including articles 37, 39 and 40.

Paragraph 39

The age of criminal responsibility should not be set at too low an age and it should be ensured that below such an age, children are presumed not to have the capacity to infringe the penal law, in the light of article 40, paragraph 3 (a) of the Convention.

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 65 and 77.

Paragraph 65

The administration of juvenile justice, and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is of concern.

Paragraph 77

In the field of the administration of juvenile justice, legal reform should be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the

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United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles.

See also:

- Ukraine, CRC, CRC/C/46 (1995) 11 at para. 77.
- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 101.

That social welfare agencies and services might enjoy wide discretionary powers to the detriment of the application of the principle of the rights of the child as the framework for the functioning of the administration of the juvenile justice system is a concern. The apparent lack of mechanisms for the registration by children of complaints of ill-treatment and for the full and impartial investigation of those complaints is also a cause for concern. Additionally, the adequacy of measures taken for the protection of the rights of the child during investigation procedures and during the period of pre-trial detention are of concern.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 157.

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

- Finland, CRC, CRC/C/50 (1996) 35 at para. 234.

Upon arrival in Finland, all unaccompanied children seeking refugee status should be promptly informed in their language of their rights.

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 43.

In the field of juvenile justice, the treatment of young offenders requires further reform. Problems appear to exist in relation to the low age of criminal responsibility, non-separation of children from adult detainees, the lack of available health and educational facilities for young detainees, the existence and length of pre-trial custody and the unavailability of legal assistance.

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- China, CRC, CRC/C/54 (1996) 18 at para. 117.

There is a need to consider questions relating to the definition of the child, including in relation to the age of criminal responsibility, so as to ensure that national legislation and related procedures duly take into consideration the provisions and general principles of the Convention, including the best interests of the child.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 173 and 187.

Paragraph 173

The administration of juvenile justice, and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant standards such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern. Other concerns are the too low age of criminal responsibility, the provision of the Muluki Ain No. 2 that allows mentally ill children to be put in jail and chained, and the legal definition of torture, which is not in compliance with article 37 (a) of the Convention.

Paragraph 187

In the field of juvenile justice, legal reform should be pursued and should take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to raising the minimum age of criminal responsibility, establishing juvenile courts, enforcing existing legislation, preventing juvenile delinquency, creating alternatives to deprivation of liberty and institutional care, protecting the rights of children deprived of liberty, respecting fundamental rights and legal safeguards in all aspects of the juvenile justice system, and ensuring the full independence and impartiality of the juvenile judiciary. The law permitting the placement of mentally disturbed children in jails should be reviewed as a matter of urgency.

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 246, 252 and 264.

Paragraph 246

Insufficient attention has been accorded to ensuring that children are involved in decisions, including within the family, and in administrative and judicial procedures regarding them.

Paragraph 252

The administration of juvenile justice, and in particular the lack of compatibility with articles 37 and 40 of the Convention as well as other relevant standards such as the "Beijing Rules", the "Riyadh

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Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern.

Paragraph 264

In the field of juvenile justice, legal reform should be pursued and should take fully into account the Convention, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to raising the age of criminal responsibility and ensuring that persons between 16 and 18 years of age enjoy all the rights recognized in the Convention.

- Nigeria, CRC, CRC/C/57 (1996) 10 at para. 74.

The provisions of national legislation by which a child may be detained "at Her Majesty's Pleasure" may permit the indiscriminate sentencing of children for indeterminate periods. Furthermore, the provisions of national legislation which provide for the detention of children assessed to be "beyond parental control" are a worry. The possibility that abandoned children or children living and/or working on the street would have such measures applied against them is of special concern. These legislative measures do not appear to be compatible with the provisions of article 37 (b) of the Convention, which lays down that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time. Equally, the application in practice of the provisions of section 3 of the Children and Persons Law may lead to the arbitrary detention of children, which is incompatible with the provisions and principles of the Convention.

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 111.

The prevalence of the doctrine of children in an "irregular situation", which paves the way for the stigmatization and frequent institutionalization and deprivation of liberty of children on the basis of their economic and socially disadvantaged situation is of concern. The insufficient measures adopted to ensure, *inter alia*, that deprivation of liberty is only used as a measure of last resort, that children deprived of liberty are treated with humanity and in a manner which takes into account the needs of persons of their age, as well as that the rights to maintain contact with their families and to due process of law are ensured are of concern. Moreover, the high number of institutionalized children and the insufficient measures that have been taken to ensure effective alternatives to institutional care, and to promote their social reintegration are also of concern.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at para. 157.

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With regard to the situation of Vietnamese children in detention, an evaluation of present and previous policy on this matter should be undertaken, to ensure that any errors made are not repeated in the future. For the remaining children in detention a solution to their situation must be found in the light of the principles and provisions of the Convention. Therefore, measures must be taken immediately to ensure a marked improvement in their conditions of detention and other measures to protect these children in the future must be put in place.

- Mauritius, CRC, CRC/C/57 (1996) 29 at para. 192.

The penal law should be amended so that adults having sexual intercourse with boys under 16 is as a criminal act. The State party should consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

- Slovenia, CRC, CRC/C/57 (1996) 34 at para. 212.

The low age set for criminal responsibility, and the length of preliminary investigation and of pre-trial detention are particularly worrisome.

- Bulgaria, CRC, CRC/C/62 (1997) 7 at paras. 48 and 58.

Paragraph 48

All necessary measures should be taken to fully account for the principle of the best interests of the child in every decision relating to the child's right to give testimony before a court.

Paragraph 58

Particular attention should be paid to the right of children to prompt access to legal assistance and to judicial review. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established as a priority matter. For this purpose, technical assistance should be sought from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at paras. 75 and 79.

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Paragraph 75

Since children are able to lodge complaints only through their parents or legal guardians, the right to adequate recourse and complaint procedures for children victims of abuse, including sexual abuse, neglect or ill-treatment within their families, does not seem to be secured and is of concern. The enjoyment by children of their right to participate actively in the promotion of their own rights does not seem to be guaranteed and is also of concern.

Paragraph 79

Of particular concern is the setting of the age of criminal responsibility at 9 years and treating those of 15 years of age as adults. In this regard, the Committee regrets that it was not made clear during the discussion whether the latter means that children above 15 years of age may be sentenced to life imprisonment or detained together with adults. Furthermore, concern is expressed at the possibility, provided for in article 172 of the Penal Code of sentencing children to corporal punishment at the sole discretion of the judge, in particular with regard to the "bad or good character" of the child in determining the penalty to be applied to the child, and at the possible limitations on the right to legal counsel.

- Panama, CRC, CRC/C/62 (1997) 19 at paras. 118 and 119.

Paragraph 118

The apparent absence in national legislation of minimum ages below which a child may not be deprived of liberty or be considered criminally responsible is of deep concern.

Paragraph 119

Legislation should define a minimum age below which children may not be deprived of their liberty.

- Myanmar, CRC, CRC/C/62 (1997) 25 at para. 180.

Particular attention should be paid to using deprivation of liberty only as a measure of last resort and for the shortest possible period of time; to ensuring humane conditions of detention, taking into account the specific needs of children including separation from adult detainees; to the rights of the child to legal assistance and judicial review; to due process of law; and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. An independent monitoring mechanism, national and/or international, should guarantee the full implementation of those rights. Finally, international assistance in the area of the administration of juvenile justice from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat should be considered.

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- Ghana, CRC, CRC/C/66 (1997) 15 at para. 101.

Violations of the rights of the child in detention centres, the low age (7 years old) for criminal responsibility and the inadequacy of existing alternative measures to imprisonment are of concern.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 149 and 169.

Paragraph 149

The administration of juvenile justice, and its incompatibility with articles 37, 39 and 40 of the Convention and other relevant international standards, are matters of concern. Specifically, the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16-18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children and the solitary confinement and ill-treatment of children by the police are of concern.

Paragraph 169

With regard to the administration of juvenile justice, legal reform should be pursued in connection with the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16-18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children, and the solitary confinement and ill-treatment of children by the police. In this reform, the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty should be accounted for. The technical assistance programmes of the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat should be sought.

- Paraguay, CRC, CRC/C/66 (1997) 29 at paras. 199 and 219.

Paragraph 199

The significant percentage of juveniles who are deprived of their liberty for extended periods without being charged or brought to trial is of grave concern. It is also of concern that in at least one major detention centre, persons who have been convicted and those awaiting trial are not housed separately.

Paragraph 219

Particular attention should be paid to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law. Training on the relevant international standards should be provided for all professionals involved with the juvenile justice system. For this purpose, technical assistance should be sought from the High

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Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

- Algeria, CRC, CRC/C/66 (1997) 35 at paras. 246 and 260.

Paragraph 246

It is noted with concern that under article 249 of the Code of Criminal Procedure, children between 16 and 18 suspected of terrorist or subversive activities are tried in criminal court as adults. Although article 50 of the Criminal Code prohibits the sentencing of a minor to capital punishment or life imprisonment, it remains unclear whether the legal regime applicable to those minors with respect to trial proceedings and the execution of the sentence is that applicable to minors or to adults.

Paragraph 260

In the implementation of special rules and regulations relating to terrorist and subversive activities, special attention should be given to the implementation of articles 37 (a), (c) and (d), and 40, paragraph 3 of the Convention.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at paras. 290 and 311.

Paragraph 290

The lack of respect for the rights of the child in "corrective labour institutions", the lack of an appropriate monitoring system for all types of detention centres and the inadequacy of alternative measures to imprisonment are matters of concern.

Paragraph 311

Particular attention should be paid to protecting the rights of children deprived of their liberty, especially those living in "corrective labour institutions", to the establishment of an appropriate and independent monitoring mechanism, and to the improvement of the quality and adequacy of alternative measures to imprisonment. For this purpose, technical assistance should be sought from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 80.

Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles. Alternatives to institutional care as well as traditional mechanisms of conciliation, as

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long as the principles and guarantees of the Convention are respected, should be explored. Technical assistance programmes of the Office of the High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations should be sought.

- Australia, CRC, CRC/C/69 (1997) 16 at para. 104.

The unjustified, disproportionately high percentage of Aboriginal children in the juvenile justice system, and the tendency to normally refuse applications for bail for them are of concern.

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 137.

The violations of the rights of children in detention centres, the remanding of children to adult prisons or police cells, long periods in custody, delays before trial, and the inadequacy of existing alternative measures to imprisonment are matters of concern.

- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at para. 238.

The minimum age of criminal responsibility should be raised. Alternatives to detention, as well as special facilities for girl child offenders should be provided. Corporal punishment in detention as a means of discipline, and flogging as a means of punishment, should be abolished in legislation and in practice.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 59.

Particular attention should be paid to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 98.

All necessary steps should be taken to bring the juvenile justice system into full conformity with the provisions and principles of the United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the rights of children to prompt access to legal assistance, judicial review and periodic review of placement. Furthermore, the special protection provided to children under penal law should be extended to all persons under 18 years of age.

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Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 208.

The lack of clarity on the status of children aged between 16 and 18 years is of concern. In this regard, the low minimum ages for marriage and criminal responsibility are especially of concern.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 257, 262, 263 and 280.

Paragraph 257

Of concern is the Penal Code's restricted protection from all forms of abuse and neglect of children under 14 years old.

Paragraph 262

The existence of child prostitution and the involvement of children in international prostitution networks are of concern. Of further concern is that it is not illegal for children above 16 to get involved in prostitution.

Paragraph 263

It is of concern that children aged between 16 and 18 may be referred to ordinary courts and judged as adults. Of further concern is that juveniles may be detained with adults in ordinary prisons, where the conditions are extremely unfavourable, including strict limits on time for exercise and leisure, the virtual absence of educational opportunities and long periods of isolation in cells. In this regard, the slow pace taken to implement all decisions taken by the interministerial working group to improve drastically the conditions of detention of children is of concern.

Paragraph 280

Special attention should be given to alternatives to detention, to preventing suicide in detention, to providing appropriate infrastructures to detained children in order to fully ensure their separation from adults and to guarantee that they have regular contact with their family. The right of detained children to education, including vocational training, should be fully taken into account. All appropriate measures should be taken to implement recommendations adopted by the interministerial working group to drastically improve the conditions of detention for children.

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 55.

Particular attention should be paid to ensuring that deprivation of liberty is used only as a measure of last resort, that children have access to legal aid and that alternative care (for example, in foster

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families) is provided for children living in prisons with one of their parents. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice should be considered.

- Iraq, CRC, CRC/C/80 (1998) 15 at paras. 65 and 86.

Paragraph 65

The state party should consider the introduction of a number of policies and programmes that guarantee law enforcement and implementation of the existing legislation through adequate services, remedies and rehabilitation programmes, when appropriate within the framework of international cooperation.

Paragraph 86

Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for professionals involved with the system of juvenile justice. Technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice, should be considered.

See also:

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 180.

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 117.

The conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of last resort and that children are detained together with adults are matters of concern. Further measures should be taken to ensure the full compatibility of the juvenile justice system with the relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that the use of deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. Ratification of the International Convention against Torture

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and Other Cruel, Inhuman or Degrading Treatment or Punishment should be considered. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the State party should consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

- Thailand, CRC, CRC/C/80 (1998) 35 at paras. 161 and 182.

Paragraph 161

All appropriate measures, including training, should be taken to strengthen law enforcement and prevent corrupt practices.

Paragraph 182

Additional steps should be taken to reform the system of juvenile justice in the spirit of United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to protecting the rights of children deprived of their liberty and to expanding the juvenile justice system to ensure full coverage throughout the State party. Training programmes on relevant international standards should be organized for all professionals involved with the system of juvenile justice. Ratification of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment should be considered. Technical assistance should be considered from, *inter alia*, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 126.

The insufficient number of facilities for the detention of juveniles and the fact that juveniles are detained with adults are matters of concern. Further, there are insufficient facilities and programmes for the physical and psychological recovery and social reintegration of juveniles. Deprivation of liberty is not being used as a measure of last resort. All measures should be taken to fully integrate the relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in legislation, policies and programmes. Furthermore, seeking international assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention,

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the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice should be considered.

- Barbados, CRC, CRC/C/87 (1999) 9 at para. 60.

The conditions experienced by children deprived of their liberty, both in Industrial Schools and in separate facilities at the adult prison, and in particular the lack of sufficient provision for education and rehabilitation services are of concern. In-depth research should be conducted and information should be gathered as to the situation and outcome of children held in the Industrial Schools and in prison.

- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at para. 77.

The low legal age for criminal responsibility (8 years) is of concern. Furthermore, the Prevention of Cruelty and Protection of Juveniles Clause of the Juvenile Act is of concern since it does not provide special protection for children between the ages of 16 to 18 years. Further concern exists as a result of the absence, in legislation, of a legal age of majority. Legislation, especially with respect to criminal responsibility, should be reviewed in order to bring it into full conformity with the provisions and principles of the Convention.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 130.

The Committee remains concerned that deprivation of liberty is not being used systematically as a measure of last resort; that due process is not fully respected; and that there is a lack of adequate training for the police on the application of the Convention and other relevant international standards. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort, that due process needs to be respected in all cases, and that alternative measures to deprivation of liberty need to be strengthened. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. It is suggested that seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice be considered.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 247.

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Particular attention should be given to ensuring: the improvement of the conditions of children living in prisons and detention centres, to the development of correctional centres for the rehabilitation of children in conflict with the law, that violence is not used by law enforcement officials, that deprivation of liberty is used only as a measure of last resort, prompt access to justice for children in pre-trial detention, and the development of alternative measures to deprivation of liberty. Penal policies concerning "property offences" committed by children should be reviewed and alternative measures should be established to address the needs of children involved in this type of offence.

- Venezuela, CRC, CRC/C/90 (1999) 10 at paras. 42 and 61.

Paragraph 42

Sensitization and training programmes for professional groups, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers, working with and for children need to be further developed. To this effect, international cooperation is encouraged.

Paragraph 61

Additional measures should be taken to reform the juvenile justice system in accordance with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The deprivation of liberty should only be used as a last resort and for the shortest period of time and continued contact with their families while in the juvenile justice system should be ensured. Training programmes on relevant international standards for all professionals involved with the juvenile justice system should be introduced and technical assistance in the area of juvenile justice and police training should be sought from, *inter alia*, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 68 and 129-133.

Paragraph 68

All appropriate measures should be taken to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of

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standards and monitoring mechanisms with regard to all the different child-related institutions.

Paragraph 129

In the area of juvenile justice, the insufficient implementation of the 1993 recommendation on the need to set up a system of juvenile justice, including the adoption of a law on juvenile justice and the establishment of juvenile courts, is of serious concern.

Paragraph 130

Reports of police brutality and torture committed against detained juveniles during the investigation of their alleged acts and the extended periods of pre-trial detention of juvenile detainees at the discretion of the Procurator are matters of concern. Furthermore, the treatment of juvenile offenders living in educational colonies, places of pre-trial detention or in special educational establishments, and the poor conditions of detention and in prisons in general, are of serious concern.

Paragraph 131

The system of juvenile justice should be reformed. These reforms should include the adoption of comprehensive legislation on juvenile justice, the introduction of special juvenile courts with trained juvenile judges and the revision of the Code of Criminal Procedure, so as to transfer the power to order the arrest of juveniles from the Procurator to the juvenile courts, limitation of the term of pre-trial detention and the expedition of court procedures and the training of law enforcement and judicial officials in child rights and the rehabilitative aims of juvenile justice.

Paragraph 132

The deprivation of liberty should only be used as a measure of "last resort" in dispensing juvenile justice. A wider use of the alternatives to deprivation of liberty should be used and all the necessary resources should be made available for administering such alternatives and for restructuring juvenile reform institutions, with a view to enhancing the rehabilitation of juvenile delinquents.

Paragraph 133

Immediate measures should be taken to protect the rights of children deprived of their liberty, by providing legal assistance to children and by improving conditions in places of detention, including pre-trial detention centres and educational colonies. Further, the establishment of an appropriate and independent child-friendly complaint mechanism in cooperation with NGOs, the timely addressing of rights violations observed and programmes to assist in the rehabilitation and reinsertion into society of juveniles following their release from detention is recommended.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at para. 158.

Measures should be undertaken to reform the system of juvenile justice in the spirit of the Convention and of other United Nations standards in this field, such as the United Nations Standard Minimum

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Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Training programmes should be introduced on the relevant international standards for all professionals involved with the system of juvenile justice; and technical assistance in the area of juvenile justice and police training should be sought from, *inter alia*, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 192.

With regard to the administration of the juvenile justice system, the following concerns remain: that the deprivation of liberty is not used only as a last resort; that children are often detained together with adults in police stations; that cases are processed at a slow pace; that detention centres have very poor conditions; that juveniles have insufficient access to legal assistance; that insufficient rehabilitation measures exist for juvenile offenders; that there is insufficient supervision and monitoring in detention centres; and that there is a limited amount of trained staff in detention centres.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at para. 261.

That children aged 12 to 15 are being tried under adult criminal law is of serious concern. The law should ensure that no child under the age of 16 at the time of the commission of the crime is tried under adult criminal law. Furthermore, legislative steps should be taken to ensure that a life sentence cannot be imposed on children who are tried under adult criminal law.

- India, CRC, CRC/C/94 (2000) 10 at paras. 111 and 112.

Paragraph 111

Concern is expressed over the administration of juvenile justice in India and its incompatibility with articles 37, 40 and 39 of the Convention and other relevant international standards. Concern is expressed about the very young age of criminal responsibility - 7 years - and the possibility of trying boys between 16 and 18 years of age as adults. Noting that the death penalty is *de facto* not applied to persons under 18, the Committee is very concerned that *de jure*, this possibility exists. The overcrowded and unsanitary conditions of detention of children are a concern, including detention with adults; lack of application and enforcement officers of existing juvenile justice legislation; lack of training for professionals; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.

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Paragraph 112

The State party should review its laws in the administration of juvenile justice to ensure that they are in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

See also:

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 649 and 650.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 207.

In the light of articles 37 and 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party harmonize domestic legislation, as a whole, with relevant international legal instruments and seek to apply the international standards provided for in these instruments.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 237.

With regard to the administration of juvenile justice, the State party's measures to implement the Committee's recommendations (CRC/C/15/Add.11, para. 15) are welcomed. However, the Committee remains concerned, *inter alia*, that the new Law on Juvenile Justice (1996) has not yet been fully implemented; that there is an insufficient number of specialized judges; that there is only one specialized centre for children in conflict with the law; that there is a lack of adequate training for the police on the Convention and other relevant international standards; that a large number of children are placed in pre-trial detention; and that the penalties imposed on children in conflict with the law are disproportionately heavy in relation to the nature of the offences. The State party should continue undertaking effective measures to overcome these and other obstacles in fully implementing its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

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- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 285.

The State party should consider relevant reforms of juvenile justice policy and practice in accordance with articles 37 and 40 and 39 of the Convention on the Rights of the Child, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to ensuring that detention and imprisonment are used only as a measure of last resort, for example by developing alternative measures.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 336, 337 and 350-352.

Paragraph 336

The situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia, is a concern.

Paragraph 337

The State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid.

Paragraph 350

Serious concern is expressed at the absence of a system of juvenile justice in Armenia, in particular the absence of special laws, procedures and juvenile courts. Concern is expressed at the length of pre-trial detention and the limited access to visitors in this period; the use of detention not as a measure of last resort; the often disproportionate length of sentences in relation to the seriousness of offences; conditions of detention; and the fact that juveniles are often detained with adults. The absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders is a concern.

Paragraph 351

It is recommended that the State party take all measures to fully integrate into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area. Particular attention should be paid to ensure that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed.

Paragraph 352

The State party should take into account the recommendations adopted at its day of general

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discussion on "The Administration of Juvenile Justice" (see CRC/C/46). Furthermore, the Committee recommends that the State party seek assistance from, *inter alia*, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

See also:

- India, CRC, CRC/C/94 (2000) 10 at para. 87.
 - Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 66, 67 and 75.
 - Suriname, CRC, CRC/C/97 (2000) 84 at para. 507.
 - Comoros, CRC, CRC/C/100 (2000) 110 at para. 637.
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- Peru, CRC, CRC/C/94 (2000) 64 at para. 381.

With regard to the administration of the juvenile justice system, the creation of Family Courts and of specialized prosecutors to deal with children's cases are welcomed. Concern is expressed that the provisions of the Children and Adolescents Code regarding the administration of juvenile justice are not fully implemented, *inter alia*, that the various services in this area are not adequately staffed and trained; that conditions in detention centres are poor and not adequately monitored; that alternative measures to detention are not sufficiently developed. In light of articles 37, 40 and 39 and other relevant United Nations standards in this field, it is recommended that the State party:

- (a) Ensure that deprivation of liberty is used only as a measure of last resort;
- (b) Improve the living conditions of children in prisons and other detention centres;
- (c) Strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;
- (d) Develop effective probation services for juveniles, in particular those who are released from detention centres, in order to support their reintegration in society;
- (e) Develop alternative measures to deprivation of liberty; and
- (f) Strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

See also:

- Suriname, CRC, CRC/C/97 (2000) 84 at para. 508.

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- South Africa, CRC, CRC/C/94 (2000) 81 at para. 455.

Concern is expressed that the juvenile justice system does not cover all regions of the State party. The following is also of concern:

- (a) The lack of an efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;
- (b) The length of time taken before juvenile cases can be heard and the apparent lack of confidentiality accorded to such cases;
- (c) The use of detention other than as a last resort;
- (d) The overcrowding in detention facilities;
- (e) The holding of minors in adult detention and prison facilities, the lack of adequate facilities for children in conflict with the law, and the limited numbers of trained personnel to work with children in this regard;
- (f) The lack of reliable statistical data on the number of children in the juvenile justice system;
- (g) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system; and
- (h) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

It is recommended that the State party:

- (a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- (b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system;

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- (c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (d) Consider seeking technical assistance from, *inter alia*, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

See also:

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 411 and 412.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 40, 41, 52, 53 and 74.

Paragraph 40

Concern is expressed that the definition of the child, under Note 1 of article 1212 of the Civil Code and Note 1 of article 49 of the Islamic Penal Law, which provide for the attainment of majority at predefined ages of puberty, result in arbitrary and disparate application of laws and discriminate between girls and boys with respect to legal capacity (including minimum age for marriage), civil liability and age of criminal responsibility.

Paragraph 41

Domestic legislation should be reviewed so that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, and in particular that they are gender neutral, and it should be ensured that they are enforced.

Paragraph 52

Respect for the views of the child remains limited owing to traditional attitudes towards children in schools, the courts, and especially within the family. That a child's view may only be represented in judicial proceedings affecting him or her through the father, paternal grandfather or other appointed guardian and not directly by the child is a concern.

Paragraph 53

The State party is encouraged to promote and facilitate within the family, the school, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, it is recommended that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children to express their informed decisions and take these views into consideration.

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Paragraph 74

Concern is expressed that persons under 18 may be prosecuted for crimes in the same manner as adults, without special procedures; are potentially liable for the same penalties as adults; may be subject to deprivation of liberty without due process; and, apart from facilities in some large cities, may be held in detention with adults. The right of juvenile delinquents to protective and rehabilitative measures is not guaranteed.

- Norway, CRC, CRC/C/97 (2000) 43 at para. 215.

The withdrawal of the State party's reservation to article 40 (2) (b) (v) of the Convention is welcomed.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 328 and 329.

Paragraph 328

It is of concern that juvenile offenders are not dealt with separately under the justice system and that there are no special procedures or specially trained personnel. Despite laws to the contrary, the militia often do not notify parents of arrests, and often neither parents nor lawyers are present during questioning of juveniles. In relation to pre-trial detention, concern is expressed at length of detention; the limited access to visitors; and that juveniles are often detained with adults during this period. Concern is expressed about the limited access to adequate legal aid for poor individuals; the often disproportionate length of sentences meted out in relation to the seriousness of offences; and that girls are detained with adult females. Concern is also expressed about the poor conditions of the facilities; inadequate nutrition, clothing and psychological and medical care; and the lack of access to adequate recreational, educational and vocational facilities. The lack of facilities for the physical and psychological recovery and social reintegration of juvenile offenders is also a concern. Concern is expressed that even when a case against a juvenile has been dismissed by the prosecutor, the charge remains on the register because people are often not aware of how to have it struck off. This may result in the stigmatization of innocent people.

Paragraph 329

All measures should be taken to integrate fully into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. Assistance should be sought from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice.

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See also:

- Tajikistan, CRC, CRC/C/100 (2000) 53 at para. 296.
- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 395 and 396.

Paragraph 395

With regard to the situation of children in conflict with the law, concern is expressed at the lack of special legislation, policies and programmes in this area; at reports of children detained in prisons with adults; the situation of children detained for extended periods without being charged and without access to a lawyer or to a court; and the reports of detained children allegedly being subjected to beatings and other ill-treatment.

Paragraph 396

The State party should establish a juvenile justice system, taking into account the principles and provisions of the Convention, in particular articles 37, 40 and 39, and other relevant United Nations standards in this field. It is recommended that the State party develop a comprehensive policy and programmes regarding the situation of children in conflict with the law, with particular attention to the situation of children deprived of their liberty and to the prevention of juvenile delinquency. The State party should consider seeking technical assistance from OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice, among others.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 568 and 569.

Paragraph 568

While the recent release of a number of children who had been detained in the Gabode prison is welcomed, concern is expressed about the lack of support and assistance which may be faced by those children. Concerns remain about the treatment of children alleged to be in conflict with the law. Concern is expressed about conditions in places of detention for children, especially with regard to overcrowding and the quality of the health services and educational programmes offered, and in particular about the availability of services to facilitate the detained child's reintegration in society, in accordance with the provisions of article 40 (1) of the Convention.

Paragraph 569

It is recommended that every effort be made to gather information on the number and legal situation of children in detention within the State party. The State party is urged to enforce domestic legislation requiring that imprisonment be a measure of last resort. Children should be kept separate from adult detainees. It is further recommended that the State party:

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- (a) Take additional steps to ensure that the juvenile justice system is in full conformity *de facto* as well as *de jure*, with the provisions of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
 - (b) Consider seeking technical assistance in this regard from, among others, the member organizations of the Coordination Panel on Technical Advice in Juvenile Justice, including the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.
- Finland, CRC, CRC/C/100 (2000) 8 at para. 54.

The views of children under 12 years of age who are affected by a judicial proceeding should always be heard, if they are considered to be mature enough, and this should take place in a child-friendly environment. The State party should undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making and court decisions, programme implementation and on children themselves.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 133, 134, 158 and 159.

Paragraph 133

The Committee joins the State party in expressing concern at acts of cruelty, ill-treatment, abuse, including sexual abuse, and neglect and practices such as the seizure of property belonging to orphans which are committed against children in the context of the family, including the extended family.

Paragraph 134

In light of article 19, it is recommended that the State party take steps to establish effective mechanisms for the timely reporting of and response to domestic violence and abuse against or affecting children, to prosecute individuals who violate criminal law and to protect children from cruelty and other harmful acts such as the seizure of property from orphans. Furthermore, it is recommended that the State party take measures to offer both physical and psychological care to those who have suffered, including assisting child victims through court and other proceedings and avoiding the risk of secondary victimization, and that these be implemented in accordance with article 39 of the Convention.

Paragraph 158

The weakness of juvenile justice facilities in the State party is of concern. In particular, it is of

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concern that children who have been charged with a criminal offence are obliged to wait long periods of time before a trial is held and that the duration of pre-trial detention of children frequently exceeds the maximum prison sentence to which a child can be sentenced if found guilty. Investigations into criminal accusations made against children are extremely slow. In addition, children are usually detained or imprisoned in the same facilities as adults and conditions of detention are very poor. That children under the established minimum age of criminal responsibility are frequently detained is a concern.

Paragraph 159

The State party is urged to make every effort to ensure that investigations and trials of children accused of committing criminal acts are conducted rapidly, that periods of pre-trial detention are kept to a minimum, that children are detained or imprisoned separately from adults and that conditions of detention are improved. The State party is urged to ensure that no children under the age of 13 are detained or imprisoned, in accordance with domestic legislation.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 171 and 204.

Paragraph 171

In the light of the 1993 Vienna Declaration and Programme of Action, the State party is encouraged to consider the possibility of reviewing its reservations with a view to their full withdrawal, including with respect to the Isle of Man. In order to remove the apparent obstacles to the withdrawal of the reservation to article 37 (c) of the Convention, the Isle of Man is encouraged to reinforce its efforts to complete the construction of a separate security unit for children deprived of their liberty.

Paragraph 204

Note is taken of the efforts of the Isle of Man in the area of juvenile justice, in particular the recent enactment of the Police Powers and Procedures Act (1998) which, *inter alia*, introduces additional safeguards for children under the age of 17 years who come into conflict with the law. It is regretted that the Act does not provide adequate legal protection for all children below the age of 18 years. The Isle of Man legislature is currently considering the Criminal Justice Bill 2000, which is intended, *inter alia*, to prohibit the imposition of corporal punishment as a sentence by the island's courts. Concern is expressed about the practical implementation of the legislative and policy initiatives undertaken in the juvenile justice system, particularly with respect to:

- (a) The attempts to shorten the length of time before the hearing of juvenile cases; the adequacy

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(c) Introduce training programmes on relevant international standards for all those professionals involved with the juvenile justice system.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 341 and 342.

Paragraph 341

It is of concern that both judicial and administrative functions related to children's issues, including the appointment of judges and defenders for children's and family affairs, depend upon the Colombian Institute for Family Well-Being (ICBF). This situation is a violation of the well-established international standard of independence of the judiciary and contrary to the principles and provisions of the Convention.

Paragraph 342

Greater emphasis should be placed on strengthening the prevention and protection programmes of ICBF. Consideration should be paid to maintaining a clear and very strict separation between judicial and administrative decisions regarding children's rights issues.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 437 and 438.

Paragraph 437

It is of concern that the interpretation of the legal status of minors results in very limited possibilities for children to receive legal advice.

Paragraph 438

Aware of the limited resources available to the State party, consideration should be given to the establishment of "legal aid centres" run by volunteers, for example law students, through which children can be provided with legal advice.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 58 and 59.

Paragraph 58

The lack of data, appropriate measures and mechanisms and resources to prevent and combat domestic violence, including child sexual abuse, are of concern. Further, child victims do not have the right to free legal assistance and the judicial procedure is not child-friendly, in particular because the child victims are subjected to repeated questioning.

Paragraph 59

Cases of domestic violence and ill-treatment and abuse of children should be properly investigated

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within a child-friendly inquiry. Judicial procedure should be implemented in order to ensure better protection of child victims, including the protection of their right to privacy.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 248 and 249.

Paragraph 248

Concern is expressed that status offences, such as begging and truancy, under article 96 of the Children's Code are in practice criminalized. Furthermore, concern is expressed at the absence of effective, child-friendly and independent complaints mechanisms for juvenile detainees, and that the right to social rehabilitative measures is not adequately guaranteed.

Paragraph 249

The administration of juvenile justice should be periodically reviewed and assessed, particularly the conformity of legislation and practice with articles 37, 39 and 40 of the Convention as well as with other relevant international standards in this area. The State party should repeal status offences such as begging and truancy; ensure separation of children from adults in pre-trial detention; establish effective independent complaints mechanisms; and develop facilities and programmes for the physical and psychological recovery and social reintegration of juveniles. Assistance should be sought from, among others, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 337, 338 and 352.

Paragraph 337

Some traditional practices and attitudes can limit implementation of the right of children, especially girls, to express their views and to participate in decision-making processes. It is noted with concern that the evidence of children is not given appropriate weight in courts of law.

Paragraph 338

Effective measures should be taken to encourage respect for the views of the child, particularly girls, in schools, families, and the care and judicial systems (including the magistrature). The participatory rights of children should be promoted.

Paragraph 352

Cases of domestic violence, ill-treatment, sexual and other abuse within the family should be properly investigated through a child-friendly judicial procedure. Sanctions should be applied to perpetrators, due regard being given to guaranteeing the right to privacy of the child. In addition, appropriate weight should be given to children's views in legal proceedings.

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- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 415 and 416.

Paragraph 415

It is of concern that the age of majority is not defined, and in the absence of a published criminal code and code of criminal procedure, persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures) and be subject to the same penalties as adults. Concern is also expressed about the lack of an independent and effective child-friendly monitoring and complaints mechanism. The lack of adequate access to legal counsel may put a child at risk of arbitrary arrest and detention under the 1977 Detention and Imprisonment Regulations and the 1983 Principles of Arrest, Temporary Confinement and Preventative Detention Regulations. It is also noted with concern that females under 18 are detained with adult females under the 1975 Statutes of the Welfare Institutions for Young Women.

Paragraph 416

The State party should establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. The State party should expedite the promulgation of a criminal code and a code of criminal procedure. Particular attention should be paid to ensure that: deprivation of liberty is only used as a measure of last resort; children have access to legal aid and independent and effective complaints mechanisms; and persons under 18 are not detained with adults.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 454, 455, 478 and 479.

Paragraph 454

It is noted that the views of children aged 12 years and older are heard in court on matters relating to their own adoption and that children are heard in criminal cases. In other matters the right of the child to express his or her views in court is at the discretion of the judge. While noting that family law matters are generally dealt with under customary law, concern is expressed that traditional culture, values and attitudes may not always facilitate expression and consideration of the views of children.

Paragraph 455

In the light of article 12 of the Convention, the State party should develop a systematic approach to increase awareness, including among traditional leaders, of the participatory rights of children; and

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to further encourage respect for the views of the child in the family, communities, schools, and administrative and judicial systems.

Paragraph 478

The efforts of the State party in the area of juvenile justice are noted, including the recent development, by the judiciary, of a programme that allows for alternative hearings for juveniles by the Minister of Justice. However, additional efforts are needed in this regard.

Paragraph 479

The State party should take all effective measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field. The State party should establish social services to support judges and guarantee the rights of children (especially the right to a fair hearing) in traditional disciplinary measures.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 62 and 63.

Paragraph 62

The inadequate implementation of article 12 of the Convention and the fact that children below the age of 12 years do not have a right to be heard are matters of concern.

Paragraph 63

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

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 119, 120 and 145-147.

Paragraph 119

Extreme concern is expressed about violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment that appear in the number of reported cases of torture and/or ill-treatment of children, especially when placed in pre-trial detention. It is noted that in a number of cases children are held *incommunicado* when in police or *gendarma* custody and are not allowed the presence of a lawyer, practices which can provide protection from torture and ill-treatment, and are not interrogated in presence of a prosecutor, as established by law. It is also noted with concern that alleged cases of torture against children are not always duly investigated and perpetrators convicted, thus creating a climate of impunity.

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Paragraph 120

In the light of article 37(a) of the Convention and in line with the recommendations of the Special Rapporteur on Torture (see E/CN.4/1999/61/Add.1), it is strongly recommended that the State party enforce, or, where appropriate, review existing legislation, with a view to preventing children being held *incommunicado*, and investigate in an effective way cases of torture and ill-treatment of children. Alleged perpetrators should be transferred from active duty or suspended while they are under investigation and dismissed if convicted.

Paragraph 145

The major discrepancies between domestic legislation concerning juvenile justice and the principles and provisions of the Convention remain of deep concern. In particular, it is noted with concern that the minimum legal age for criminal responsibility is 11 and that the Juvenile Courts Law covers children only between the ages of 11 and 14, while children between 15 and 18 are subject to the Penal Law. It is also noted with concern that even children between 11 and 14 may not be subject to the Juvenile Courts Law if they are accused of having committed a crime falling under the jurisdiction of State security courts or military courts or if they live in areas under a state of emergency. The fact that detention is not used as a measure of last resort and that cases have been reported of children being held *incommunicado* for long periods are matters of deep concern. It is also of concern that there is only a small number of juvenile courts and that none of them are based in the eastern part of the country. Concern is further expressed about the long periods of pre-trial detention and the poor conditions of imprisonment and at the fact that insufficient education, rehabilitation and reintegration programmes are provided during the detention period.

Paragraph 146

It is recommended that the State party continue to review the law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, as well as with other relevant international standards in this area, with a view to raising the minimum legal age for criminal responsibility, extending the protection guaranteed by the Juvenile Law Court to all children up to the age of 18 and enforcing this law effectively by establishing juvenile courts in every province. In particular, the State party is reminded that juvenile offenders should be dealt with without delay, in order to avoid periods of *incommunicado* detention, and that pre-trial detention should be used only as a measure of last resort, should be as short as possible and should be no longer than the period prescribed by law. Alternative measures to pre-trial detention should be used whenever possible.

Paragraph 147

With reference to children deprived of their liberty, it is recommended that the State party incorporate into its legislation and practices the provisions of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular guaranteeing them access to effective complaints procedures covering all aspects of their treatment, and taking appropriate rehabilitative measures to promote the social reintegration of the children involved with the juvenile justice system. Assistance should be sought from the Office of the High Commissioner for Human Rights, the United Nations

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Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the United Nations Coordination Panel on Technical Advice and Assistance of Juvenile Justice.

See also:

- Guatemala, CRC, CRC/C/108 (2001) 47 at para. 285.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 223 and 224.

Paragraph 223

Serious concern is expressed at the overall application of juvenile justice, the need for a review of domestic legislation with regard to juvenile justice, and that decisions affecting children are taken by judges with insufficient knowledge of children's rights. The ordering of the detention of minors by judicial police officers in contravention of the State party's judicial procedures is also of concern. Of further concern is the limited number of sanctions available to judges and the consequent overemphasis on deprivation of liberty as a sanction, the very poor conditions of detention and reports of the ill-treatment of children. Further, concern is expressed that children aged 16 and 17 are considered to be adults for the purposes of criminal responsibility and that children 16 or above can, and have been, sentenced to the death penalty, which is a violation of article 37(a) of the Convention. Finally, it is of concern that child civilians and child soldiers are brought before military courts and that such courts do not guarantee international judicial protections, such as the right to appeal.

Paragraph 224

The implementation of a comprehensive reform of the administration of juvenile justice is recommended. The State party should adopt appropriate amendments to domestic legislation with regard to juvenile justice, with a view to ensuring full compliance with the Convention and other international standards. Appropriate training should be provided for, among others, judges and lawyers. The State party should proceed with its intention to broaden the range of possible sanctions so that deprivation of a child's liberty is used only as a measure of last resort. Improvements should be made to conditions in places of detention and imprisonment in which children are held. It is urged that the application of juvenile justice provisions be guaranteed to all persons aged under 18, in accordance with international standards. In particular, the State party is urged to ensure respect for article 37(a) of the Convention and that no person under 18 is sentenced to the death penalty or life imprisonment without possibility of release. It is also urged that, in keeping with the ban on the recruitment of children as soldiers, no child be tried by a military tribunal.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 238, 283 and 284.

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Paragraph 238

It is strongly recommended that the State party support as much as possible the process to draft a new Children and Adolescent Code that is in full conformity with the principles and provisions of the Convention, expedite its approval by Congress, and ensure its enactment and full implementation as soon as possible. This new code should 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, and should therefore not be based on the doctrine of "irregular situation".

Paragraph 283

Serious concern is expressed that the Committee's previous recommendation, encouraging the reform of the juvenile justice system to ensure its full compatibility with the principles and provisions of the Convention, has not yet been implemented because of the postponement of the entry into force of the Children and Adolescent Code of 1996. In particular, the concern about the doctrine of "irregular situation" is reiterated and it is noted that legal assistance for children is not mandatory and that the presence of a translator for indigenous children is not required. Concern is also expressed at the long periods of pre-trial detention and at poor conditions in detention centres, at the fact that children with no prior criminal record are held together with children with a criminal record and that inadequate education, rehabilitation and reintegration programmes are provided during the detention period.

Paragraph 284

In line with its own previous recommendation and with that of the Special Rapporteur on the independence of judges and lawyers (see E/CN.4/2000/61/Add.1), the Committee recommends that the State party continue reviewing its law and practices regarding the juvenile justice system in order to bring it as soon as possible into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, and that it expedite the adoption of the Children and Adolescents Code of 1996 which guarantees due process of law for children and social and educational correctional measures. In particular, the State party is reminded that juvenile offenders should be dealt with without delay, in order to avoid periods of *incommunicado* detention, and that pre-trial detention should be used only as a measure of last resort, should be as short as possible, and should be no longer than the period prescribed by law. Alternative measures to pre-trial detention should be used whenever possible.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 313, 314 and 324.

Paragraph 313

While welcoming the existence of a Children's Parliament, it is of concern that respect for the views of the child remains limited within the family, in schools, in the courts and in the society at large, due to traditional attitudes.

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Paragraph 314

The State party should promote and facilitate within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them in accordance with their evolving capacity, in light of article 12 of the Convention. The State party should also provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and the society at large on children's rights to participate and to have their views taken into consideration.

Paragraph 324

In light of article 19 of the Convention, studies should be undertaken on domestic violence, ill-treatment and child abuse, including sexual abuse, in order to understand the scope and nature of these practices, to adopt effective measures and policies, and to contribute to changing attitudes. Cases of domestic violence and sexual abuse at schools should be properly investigated through a child-sensitive judicial procedure and the perpetrators should be sanctioned, with due regard for the right to privacy of the child. Appropriate weight should be given to children's views in legal proceedings; support services should be provided to child witnesses in legal proceedings; provision should be made 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 measures should be taken to prevent the criminalization and stigmatization of victims. Technical assistance should be sought from, among others, UNICEF.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 455, 484 and 485.

Paragraph 455

The State party should continue to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. The State party should also develop skills-training programmes in community settings for teachers, social workers and local officials at the village-block level to assist children to express their informed views and opinions, and to have them taken into consideration. Assistance should be sought from, among others, UNICEF.

Paragraph 484

The system of the administration of juvenile justice is of concern. Particularly noted is the absence of information on the minimum age of criminal responsibility. Insufficient efforts have been made to ensure the speedy adoption of the draft juvenile justice and criminal procedure legislation.

Paragraph 485

The State party should:

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- (a) Establish a minimum age of criminal responsibility that is in accordance with the principles and provisions of the Convention;
- (b) Expedite the promulgation of the draft juvenile justice and criminal procedure laws;
- (c) Ensure that the system of juvenile justice fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area;
- (d) Ensure that the deprivation of liberty is used only as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;
- (e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;
- (f) Consider alternative measures to deprivation of liberty, such as probation, community service, or suspended sentences;
- (g) Train professionals in the area of rehabilitation and social reintegration of children;
- (h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

See also:

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 201 and 202.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 509 and 510.

Paragraph 509

Children have insufficient opportunities under the law to have their opinions taken into consideration, and existing legal provisions overly restrict to specific ages those children whose opinions can be considered.

Paragraph 510

The State party should adopt legislation and practices providing for greater flexibility in the consideration of a child's opinion, in accordance with evolving capacities and with a view to providing greater opportunities for children to be heard.

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