

CHILDREN'S RIGHTS - PARENTS AND FAMILY

IV. CONCLUDING OBSERVATIONS, CONTINUED

ICCPR

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(4).

(4) The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of elements of *jus soli* for children born in Germany to foreign parents.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(9).

(9) The Committee welcomes the Married Persons Equality Act, which eliminates discrimination between spouses. It nevertheless remains concerned at the large number of customary marriages that are still not registered and about the consequent deprivation of women and children of their rights, in particular with regard to inheritance and land ownership.

The State party should take effective measures to encourage the registration of customary marriages and to grant the spouses and the children of registered customary marriages the same rights as are granted to the spouses and children of marriages under civil law. The future Bill on Intestate Inheritance and Succession and the future Bill on Recognition of Customary Law Marriages should take these considerations into account.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(32).

(32) The Committee notes that a child born of a Moroccan mother and a foreign father (or a father of unknown nationality) is treated differently from the children of a Moroccan father with regard to obtaining Moroccan nationality.

The State party should comply with the provisions of article 24 of the Covenant and should ensure equal treatment for the children of a Moroccan mother and a Moroccan or foreign father (Covenant, arts. 24 and 26).

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ICESCR

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 217.

217. The Committee notes with appreciation the new Act on Maternity/Paternity Leave and Parental Leave which reconciles family life and work, provides for time for parents to devote to their children, and promotes the sharing of parental responsibilities and gender equality in the labour market.
- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 311 and 333.

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

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333. The Committee recommends that the State party strengthen its efforts to reduce the number of children living in institutions, including by strengthening family support measures and by developing alternative forms of family care. The State party should ensure that children in institutions as well as all other children deprived of their natural family environment grow up in an atmosphere of emotional and material security.
- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 411 and 429.

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

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429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.
- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 468 and 496.

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

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

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

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

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

- Norway, ICESCR, E/2006/22(2005) 48 at paras. 341 and 359.

341. The Committee expresses concern at the high number of children who are removed from their families and placed in institutions or foster homes in the State party.

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

CEDAW

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at para. 184.

184. The Committee...welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give

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their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at para. 93.

93. The Committee commends the State party for a number of legal reforms introduced since the ratification of the Convention in 1984, including the law on paternity suits involving children born out of wedlock...

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 162 and 163.

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men...The law provides for a different age for guardianship of girls and boys and stipulates restrictions on women in becoming legal guardians of their children. A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner. The Committee is also concerned about the legal difficulties faced by single mothers.

163. The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions affecting women's rights within the family in relation to divorce and repudiation, legal guardianship and the age for guardianship in order to bring them into harmony with the Convention...The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention. The Committee urges the State party to ensure that laws with regard to the status of women in the family as well as single mothers affirm and incorporate the principle of gender equality and partnership between women and men and the full realization of women's human rights. The Committee encourages the State party to reform relevant existing laws in consultation with women's groups.

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at para. 201.

201. The Committee welcomes the introduction by the State party of the compensatory alimony scheme which provides compensation for children in the event that those liable to pay alimony fail to do so...

- France, CEDAW, A/58/38 part II (2003) 116 at para. 249.

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249. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

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

371. The Committee...is...concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women.

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

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 66, 67, 74 and 75.

66. While noting that the State party has developed a strategy for the integration and development of children with disabilities involving community-based rehabilitation, the Committee remains nevertheless concerned about the huge number of children with disabilities who are institutionalized, the general lack of resources and specialized staff for these children and the absence of support for their families.

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

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(b) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and further develop community-based programmes in order for the children to be able to stay at home with their families;

...

74. The Committee...notes that there are no laws and practices guaranteeing the reunification of families.

75. In light of article 22 of the Convention, the Committee recommends that the State party:

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(c) Enact legislation, policies and programmes guaranteeing the reunification of families where this is possible.

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- Oman, CRC, CRC/C/111 (2001) 36 at paras. 177 and 178.

177. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

178. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 298 and 299.
- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 232, 233, 236 and 237.

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

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

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

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

...

236. The Committee is concerned:

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

(b) That review of the placement of children in alternative care is inadequate (see paragraph

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206 of the State Party's report).

237. The Committee recommends that the State party:

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

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

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

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 293 and 294.

293. Noting the significant achievements in the improvement in the status of women in Qatar, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under existing personal status law (e.g. in inheritance, custody and guardianship).

294. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;

(b) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 361 and 362.

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361. While domestic legislation includes provisions for the payment of a maintenance allowance in the case of divorce or judicial separation, the Committee is concerned at the lack of implementation of these provisions, due mainly to widespread ignorance of the law, and at the lack of legal provisions regarding maintenance for children born out of wedlock.

362. The Committee recommends that the State party:

(a) Make widely known, notably to women who are illiterate, the provisions of domestic legislation concerning the payment of a maintenance allowance;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay;

(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, particularly their fathers.

See also:

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 62 and 63.
- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 212 and 213.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 436 and 437.

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

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

See also:

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- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 120 and 121.

- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 502 and 503.

502. The Committee is concerned at the increase in the breakdown of families, in particular owing to migration to urban areas. It further notes that children, particularly in poor families, are not sufficiently stimulated, which can have a negative impact on their harmonious development.

503. In light of article 18 of the Convention and in line with its previous recommendations (CRC/C/15/Add.75, paras. 39 and 43), the Committee recommends that the State party:

(a) Improve social assistance to families to help them with their child-rearing responsibilities, including through counselling and community-based programmes, with a focus on early stimulation; and

(b) Seek international assistance from, among others, UNICEF.

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

564. The Committee expresses its concerns that:

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

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

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

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

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

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

565. The Committee recommends that the State party:

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- (a) Take effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children;
- (b) Promote the family as the best environment for the child, through counselling and community-based programmes to assist parents to keep children at home;
- (c) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;
- (d) Place children in institutions only as a last resort;
- (e) Take all necessary measures to improve conditions in institutions;
- (f) Ensure that children living there enjoy all the rights laid down in the Convention, including the right to maintain personal relationships and direct contact with their parents and families on a regular basis;
- (g) Provide support and training for personnel in institutions, including social workers;
- (h) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and to establish regular periodic review of placement;
- (i) Provide adequate follow-up and reintegration services for children who leave institutional care.

566. The Committee is concerned about:

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

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

The practice of secret adoption.

567. The Committee recommends that the State party:

- (a) Establish a comprehensive national policy and guidelines governing foster care and adoption;
- (b) Establish a central monitoring mechanism in this regard;

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

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

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 632 and 633.

632. The Committee is concerned that the family structure, and particularly the care and protection it provides to children in the State party, is weakened by a combination of a lack of resources, poor housing conditions, a lack of free day care for single-parent-headed families, an insufficient social security and welfare system and the *union libre fixe* practice of parental relationships.

633. The Committee recommends that the State party:

(a) Give careful consideration to ways of providing improved protection and care of children and their rights in the context of the family, and that subsequent action be taken urgently towards strengthening children's family life;

(b) Consider the provision of assistance to families through, *inter alia*, a national plan for families and additional assistance to single-parent families, including with regard to securing child maintenance payments from the parent who is not caring for the child;

(c) Study the impact of the *union libre fixe* relationship structure on children and develop specific programmes to address problems identified;

(d) Seek assistance from UNICEF in this regard.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 65, 66, 81 and 82.

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

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

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

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

...

81. The Committee is concerned at the absence of legislative or administrative provisions to protect refugee children. Issues of concern include the fact that only men may confer citizenship upon their children, instances of separation of children from their asylum-seeking parents during detention, as well as difficulties regarding full access to education.

82. The Committee reiterates its previous recommendation ([CRC/C/15/Add.54], para. 41) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It further encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, it encourages the State party to ensure that refugee children are provided with proper documentation, refrain from separating refugee children from their parents, facilitate family reunification and ensure the right to education for all refugee children.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 130, 131, 140, 141, 144, 145, 160 and 161.

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

131. The Committee recommends that the State party:

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

...

140. The Committee is concerned:

(a) At the high percentage of persons (19.5 per cent) estimated to be living below the poverty line and that, in this regard, the rights of some children, including the right to a family environment, may be violated;

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(b) That the system of financial “allowances” provided by the State to assist in the care of children under certain circumstances, such as low family income, are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children;

(c) That the amount of such financial allowances is extremely low and, in addition, that many Roma families do not receive these allowances at all.

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

(a) Strengthen its efforts to protect children’s right to a family environment, including by reducing the number of persons living in poverty and ensuring access for all children and parents in need to financial assistance, giving particular attention in this regard to children and parents from Roma communities;

(b) Amend the procedures for the disbursement of family allowances to ensure that this financial support is provided to the person(s) currently caring for the children intended to benefit from the allowances;

(c) Consider increasing financial support to families living in poverty to the maximum extent of available resources.

...

144. The Committee is concerned that upon the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard for the best interests and opinion of the child.

145. The Committee recommends that in the context of child custody decisions the State party ensure full respect for the Convention including, *inter alia*, the obligation to give due consideration to the best interests and views of the child.

...

160. Noting the progress made through the 1999 presidential decree expanding the rights of asylum-seekers and recent legislation allowing unaccompanied minors to apply for asylum, the Committee remains concerned at:

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(b) The frequent occurrence of delays throughout the administrative and/or judicial processes with regard to asylum or refugee applications, including delays in family reunification, which affect children;

...

161. The Committee recommends that the State party:

(a) Consider means to reduce delays in the consideration of asylum requests and in

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subsequent administrative and judicial proceedings, which affect children, and to avoid the detention of children;

...

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 209, 210, 213 and 214.

209. The Committee is concerned at the large number of single-parent families headed by women - many of them are not able to raise their children for financial reasons - and at the existence of polygamy which may, as acknowledged by the State party (para. 178 of its report), negatively affect the upbringing and development of the child.

210. The Committee recommends that the State party:

(a) Take all necessary measures to provide assistance to single-parent families headed by women in order to support them in bringing up their children, in light of article 18 (2) of the Convention;

(b) Undertake an in-depth and comprehensive study on the impact of polygamy with a view to finding out whether polygamy has negative consequences on the upbringing and development of the child and, on the basis of the results of this study, develop measures to address any negative impacts on the realization of the rights of the child within the family.

...

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

214. The Committee recommends that the State party:

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

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

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

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

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

(f) Seek assistance from UNICEF in this regard.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 289-294, 298, 310 and 318.

289. The Committee remains concerned that:

(a) As noted by the State party in its initial report, “parents and other family members frequently do not fulfil their obligation to guide the minors under their responsibility” and that weaknesses in family structures have led to the greater vulnerability of children;

(b) Children in rural areas are sometimes used to settle financial and other disputes, with families sending their children to work for periods of time to settle debts;

(c) As noted by the State party in its initial report, “children and women are victims of domestic violence”.

290. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and consider ways to provide families with additional support, including through community structures;

(b) Take action to address domestic violence against children and women in the family, including through improved monitoring, effective reporting, treatment and support of victims, prosecution of those responsible and the use of information campaigns;

(c) End the practice of using children to settle debts.

291. The Committee is concerned that:

(a) As noted in the State party’s report, “mechanisms are not sufficiently strong to prevent the illegal transfer or non-return of minors”, including in the context of the separation of parents and where one parent chooses to leave with a child;

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(b) The issue of the responsibility of stepfathers for the children from a wife's earlier relationship is unclear.

292. The Committee recommends that the State party:

(a) Implement measures and develop mechanisms to prevent the illegal transfer or non-return of minors;

(b) Adopt and implement international and domestic legislation to address these concerns, including the 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction and the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

293. While noting the State party's preference for family forms of alternative care and a policy of reducing institutionalization, the Committee remains concerned that:

(a) A very large number of children are in need of alternative care, in particular the many children who have become orphans because of HIV/AIDS;

(b) Current alternative care arrangements in the State party are insufficient;

(c) There is no established legislation or procedures for alternative care, or for monitoring such care;

(d) Institutional care establishments have insufficient resources;

(e) Violence is regularly committed against children in the context of alternative care;

(f) The lack of legislative or administrative frameworks ensuring the protection of children who are cared for under the "substitute family" practice (described in the State party's report) can lead to violations of children's rights.

294. The Committee recommends that the State party:

(a) Make every effort to improve alternative care for children, giving particular attention to HIV/AIDS orphans;

(b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention, giving particular attention to protecting the inheritance rights of children in alternative care;

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(c) Encourage and monitor the current practice of placement within the extended family, assuring the rights of children cared for in this context;

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

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

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

...

298. The Committee recommends that the State party:

...

(b) Make every effort to assure the full integration of children with disabilities into everyday life as enjoyed by other children, including family life, education, leisure and professional training;

...

310. The Committee recommends that the State party:

(a) Make additional efforts to assist former refugees and internally displaced persons to resettle in their communities, including through assuring full access to education services, and continue and strengthen family reunification efforts;

...

318. The Committee recommends that the State party:

...

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

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 357 and 358.

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

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

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means of reducing the number of children in institutional care.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 414, 415, 418 and 419.

414. The Committee is concerned that a large number of families are headed by single parents, mostly women, many of them facing financial and other kinds of difficulties which negatively affect the upbringing and development of the child. The Committee is concerned at the lack of involvement of fathers in the upbringing and development of children.

415. The Committee recommends that the State party:

- (a) Take all necessary measures to provide assistance to single-parent families in order to support them in bringing up their children, in light of article 18 (2) of the Convention;
- (b) Take the necessary measures for the promotion of higher levels of involvement of fathers in the upbringing and development of their children.

...

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

419. The Committee recommends that the State party:

- (a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, *inter alia*, the introduction of effective legislation, the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies;
- (b) Enact the bill on wills and inheritance;
- (c) Provide for regular periodic review of the placement of children in institutions, in conformity with article 25 of the Convention;
- (d) Review and, if necessary, change its legislation on adoption in order to guarantee that the best interests of the child are fully taken into account as well as other relevant articles

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of the Convention;

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

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

- Andorra, CRC, CRC/C/114 (2002) 134 at paras. 535-538.

535. The Committee notes with concern the negative impact on children of both parents working during the weekend. It further notes the increase of single-parent families.

536. The Committee recommends that the State party:

(a) Undertake studies on how parental weekend work affects children and on single-parent families in order to assess the extent, scope and nature of these phenomena;

(b) Develop appropriate measures to deal with these situations.

537. The Committee notes with concern that, according to information provided by the State party, only 39.64 per cent of children aged from 0 to 2 years have a place in kindergarten, while in a large percentage of families both parents work. It further notes that the State party has started to take measures to deal with this issue.

538. In light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party:

(a) Take measures to establish more childcare services;

(b) Implement effectively the Regulations for Child-care in Private Homes of 2001, including by training the personnel and providing appropriate human and financial support;

(c) Ensure that the childcare services provided promote early childhood development and meet the needs of working parents.

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

62. The Committee is concerned that:

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

(b) Alternative care for these children is insufficient;

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

63. The Committee recommends that the State party:

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

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

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

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

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

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

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

...

(c) Approve as soon as possible the draft law on the creation of a guardianship service, in order to ensure the appointment of a guardian for an unaccompanied minor from the beginning of the asylum process and thereafter as long as necessary, and make sure that this

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service is fully independent, allowing it to take any action it considers to be in the best interests of this minor;

...

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

...

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 161-164.

161. The Committee is concerned at the breakdown of family structures, notably in suburban areas, due to large families, the existence of polygamy, and lack of education, poverty and unemployment which negatively affect the upbringing and development of the child, particularly in the many larger families.

162. The Committee recommends that the State party take all necessary measures to reinforce the capacities of families, especially families in the most precarious situation, in order to support them in bringing up their children, in the light of article 18.2 of the Convention, and to emphasize the role of fathers in that regard. In addition, the Committee recommends that the State party raise awareness in society at large concerning forced marriage and undertake a study to assess the effect of polygamy on the upbringing and development of the child.

163. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

164. The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 235-238 and 249.

235. The Committee notes with deep concern the spreading phenomenon of family disintegration in Belarus, including the high rate of divorce, the growing number of single-parent families and cases of parental neglect. While noting that the State party is taking some

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measures to strengthen families such as the Law on Allowances to Families of Children of 1 April 2002, it expresses its concern that there is no coordination between public agencies dealing with family-oriented policies, including the implementation of a poverty reduction strategy, very little preventive action, and that professional social workers are not trained enough to deal with dysfunctional families.

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

- (a) Continue to develop measures for the prevention of family disintegration and the strengthening of family development;
- (b) Improve social assistance and support to families to help them with their child-rearing responsibilities, including through parental education, counselling and community-based programmes;
- (c) Provide adequate training to social workers;
- (d) Seek international assistance from, among others, UNICEF.

237. Noting the official priority policy on deinstitutionalization included in the Marriage and Family Code, the Committee expresses its serious concern about the high number of children, including children with disabilities, who are deprived of a family environment and placed in institutions, because foster care or other forms of family-based alternative care are not sufficiently developed and available. In addition, it notes with concern that institutions, owing to a lack of resources, provide children with very low quality housing and care and that children lack effective mechanisms to communicate concerns and complaints about their placement.

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

- (a) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;
- (b) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;
- (c) Place children in institutions only as a measure of last resort;
- (d) Take all necessary measures to improve conditions in institutions;

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

(f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish periodic review of placements;

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

...

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

...

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

(e) Support the parents of children with disabilities with counselling and, when necessary, financial support;

...

See also:

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at para. 409.
- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 332, 333, 339, 354 and 355.

332. The Committee notes that, according to article 27 of the Law on Medically Assisted Procreation, a child can be informed on the identity of his/her father only if he/she has a "legitimate interest" and is concerned at the meaning of "legitimate interest" in that regard.

333. In light of article 7 of the Convention, the Committee recommends that the State party ensure, as far as possible, respect for the child's right to know his or her parents' identities.

...

339. In light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party:

(a) Take measures to establish more childcare services to meet the needs of working parents; and

(b) Ensure that the childcare services provided promote early childhood development, in

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light of the principles and provisions of the Convention.

...

354. ...[I]n relation to reservation made to article 10 of the Convention, the Committee is concerned that the right to family reunification is too restricted.

355. ...[T]he Committee recommends that the State party review its system for family reunification, notably for refugees who stay for a long period in the State party.

- Saint Vincent and the Grenadines, CRC, CRC/C/115 (2002) 101 at paras. 437, 438, 441, 442 and 450.

437. The Committee is concerned that many children born out of wedlock do not know the identity of their father, *inter alia*, because of societal pressures that cause mothers to be reluctant to file a paternity action.

438. Noting the supportive role that the Department of Family Services is already playing in this regard, the Committee recommends that the State party further facilitate and support the activities (including paternity procedures) which will contribute to the full implementation of the rights of children to know their parents.

...

441. Noting the assistance provided to families, *inter alia*, by the Public Assistance Board under the Ministry of Social Development and through the Ministries of Education and Health, the Committee remains concerned that:

- (a) A large proportion of Vicentian families are living in poverty;
- (b) The difficult domestic employment situation has obliged many parents, and sometimes both parents, to migrate, leaving children in the care of grandparents or under the responsibility of an older child;
- (c) Almost half of all families are headed by women single parents and their related poverty places children in these families at particular risk of violations of their rights;
- (d) Mothers are only able to claim child maintenance for a child aged over 5 if the claim process was initiated before the child reached the age of 5, and there are disparities between the child maintenance awards made to the children of unmarried mothers (domestic court) and married mothers (magistrates court).

442. The Committee recommends that the State party:

- (a) Make every effort to provide support to children in the context of the family and

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consider, *inter alia*, means of improving employment prospects in the State party for parents;

(b) Give particular attention to the situation of children within single parent families, especially families headed by mothers, and to grandparent and child-headed families;

(c) Strengthen its efforts to secure child maintenance payments in adequate amounts, ensuring also that there are no disparities between those accorded to the children of married and unmarried mothers;

(d) Implement the recommendations made in paragraphs 238 to 240 of the State party's report;

(e) Consider ratifying the 1973 Hague Convention No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

...

450. The Committee recommends that the State party:

...

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

...

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 501, 502, 512 and 513.

501. The Committee expresses its concern at delays in the procedure for family reunification of recognized refugees, in particular for the issuance of the necessary visa and travel documents by the Ministry for Foreign Affairs.

502. In light of article 10 of the Convention and in line with its previous recommendation ([CRC/C/15/Add.28], para. 22), the Committee reiterates its recommendation that applications for asylum made for the purpose of family reunification be dealt with in a positive, humane and expeditious manner.

...

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

...

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

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

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...

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

...

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 536, 537, 561 and 562.

536. The Committee welcomes efforts by the State party to harmonize legislation with the Convention, such as the introduction of a new Civil Code in January 2001. Yet, the Committee is concerned that the new Civil Code and the Family Law are not sufficiently known within the Netherlands Antilles.

537. The Committee recommends that the State party:

(a) Continue in its effort to ensure that the new provisions of the Civil Code and Family Law are published and accessible to the public, and are sufficiently known and understood by all professional groups working for and with children;

(b) Review the legislation in order to achieve full compliance with the Convention and its rights-based approach.

...

561. The Committee is concerned that as noted by the State party, "an increasing number of families on the Netherlands Antilles are finding it extremely difficult to fulfil their basic role of educating and raising their children" (CRC/C/6/Add.4, para. 98), and at the large number of single-parent families, mostly headed by women, and the inadequate assistance provided to them. The Committee is further concerned at the disparities in the availability and accessibility of day-care services between islands.

562. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with additional support, including through the implementation of the 1997 government memorandum on the family;

(b) Establish an effective mechanism for the provision of adequate social welfare;

(c) Introduce a national policy on day-care services with a view to ensuring uniformity across all islands.

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- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 67 and 68.

67. The Committee expresses its serious concern about the number of children, in particular children from poor families, who are deprived of a family environment and placed in public assistance institutions or residential homes, often far from their home.

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

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

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

...

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 121-124.

121. ...[T]he Committee is concerned that the obligations of article 12 have not been consistently incorporated in legislation, for example in private law procedures concerning divorce, in adoption, in education and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings, as laid down in the Children Act 1989, is not systematically exercised...

122. The Committee recommends that the State party, in accordance with articles 12 to 17 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing court procedures and administrative proceedings (including divorce and separation proceedings) ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight...

123. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children, or children born in the context of a medically assisted fertilization do not have the right to know the identity of their

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biological parents.

124. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party take all necessary measures to allow all children, irrespective of the circumstances of their birth, and adopted children to obtain information on the identity of their parents, to the extent possible.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 189, 190, 195, 196, 213 and 215.

189. The Committee is concerned that the right of children born out of wedlock to know their biological fathers can be limited, *inter alia*, owing to the right of the mother not to reveal the name of the father, and that children of divorced or separated parents may not be able to preserve their identity.

190. In light of article 8, the Committee recommends that the State party review its legislation in order to ensure that all children born out of wedlock have, as far as possible, the legal right to know and maintain contact with both their biological parents, and that all children of divorced or separated parents have the legal right to maintain their identity.

...

195. The Committee notes with deep concern the spreading phenomenon of family disintegration in the State party, including the large number of single-parent families.

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

(a) Continue ongoing efforts at legal reform with regard to parental responsibilities;

(b) Continue to develop measures for the prevention of family disintegration and the strengthening of family development together with public agencies, civil society organizations and families themselves.

...

213. The Committee is concerned that although the minimum age for criminal responsibility is 12 years, prosecution of children between the ages of 8 and 12 is possible under certain conditions. In addition, the Committee is concerned that conditions at the Youth Residential Treatment Centre are very poor, that it has few programmes for rehabilitation or education and that its location limits contact between children and their families...

...

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

...

(c) Improve the conditions at the Youth Rehabilitation and Treatment Centre and ensure that rehabilitation and education programmes are provided while continuing consideration of the

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possibilities of relocating the Centre to the main island in order to facilitate contact between children and their families.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 256-261, 276 and 277.

256. The Committee is concerned that:

(a) Widespread and severe poverty, and the disruption of family life by war, famine and related population displacement have seriously weakened the family environment of massive numbers of children within the State party;

(b) The severe legal penalties applied to women who become pregnant outside of marriage are such that many women and adolescent girls seek to conceal their pregnancies and then abandon their newborn children, and that the survival rate of these children is extremely low.

257. The Committee recommends that the State party:

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

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

258. The Committee is concerned that physical and psychological abuse occurs within the family, but is not adequately monitored, reported upon or addressed.

259. The Committee recommends that the State party:

(a) Establish effective child-sensitive procedures and mechanisms for the reporting, monitoring and investigation of instances of child abuse, and intervene where necessary;

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

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

...

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

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261. The Committee recommends that the State party:

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

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

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

...

276. The Committee is concerned at the large number of Sudanese children who continue to live as refugees in neighbouring countries; that refugee children from neighbouring countries do not enjoy all their rights contained in the Convention [and] at the situation of internally displaced children...

277. The Committee recommends that the State party:

...

(d) Continue efforts to support family reunification;

...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 331-333 and 340-343.

331. The Committee notes with deep concern that, as noted in the State party's report, family disintegration, including high rates of divorce, growing numbers of single-parent families and cases of parental neglect, is a growing phenomenon. The Committee is further concerned at the growing percentage of families living below the poverty line, and regrets that its previous recommendation that the State party take further steps to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities has not been followed-up, ([CRC/C/15/Add. 42], para. 25). Moreover, financial assistance to families has decreased.

332. The Committee expresses serious concern at the high increase in the number of children left without parental care and regrets that its previous recommendation ([CRC/C/15/Add. 42], para. 26) to the State party to develop a comprehensive strategy to assist vulnerable families has not been followed.

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

(a) Strengthen its efforts to protect children's right to a secure family environment and ensure, through a comprehensive new Children's Act, effective protection of children and

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access by all children and parents in need to financial assistance in this regard;

- (b) Take action on the recently drafted social assistance bill designed to restructure the system of social security benefits;
- (c) Improve social assistance and support to families through advice and education so as to promote positive child-parent relationships;
- (d) Provide adequate training to social workers;
- (e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;
- (f) Consider increasing financial support for families with children living in poverty under the Poverty Reduction Strategy 2001 at the national, regional and local levels.

...

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

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

- (a) Consider establishing or strengthening at the national, regional and local levels the mechanism in charge of alternative care within the system of social welfare;
- (b) Take effective measures, including the development of strategies and awareness-raising activities, to prevent or reduce the abandonment of children;
- (c) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;
- (d) Place children in institutions only as a measure of last resort and as a temporary measure;

...

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

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possible, to know the identity of their biological parents.

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

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

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

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

(a) Fully implement the Child Care Reform by providing it with the necessary human and financial resources;

(b) Take effective measures to develop alternative measures to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;

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

...

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 459, 460, 469, 470, 481, 482, 487 and 489.

459. While domestic legislation includes provisions for maintenance allowance, the Committee is concerned at the lack of implementation of these provisions, owing mainly to widespread ignorance of the law.

460. The Committee recommends that the State party:

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- (a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially to mothers who are illiterate, and support them if necessary in understanding legal actions;
- (b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter regarding the recovery of maintenance from solvent parents who refuse to pay;
- (c) Take the necessary measures to ensure as much as possible the maintenance of children born out of wedlock and children of single-parent families by their parents, particularly their fathers;
- (d) Undertake a study on the economic and social situation of children of polygamous marriages and how this affects their rights.

...

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

470. The Committee recommends that the State party:

...

- (b) Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;

...

481. While welcoming the efforts undertaken by the State party to combat child trafficking through a national programme and, in particular, the adoption of a travel document with five other countries of the region, the Committee is deeply concerned at the number of trafficked children who are exploited in the State party and in neighbouring countries.

482. The Committee recommends that the State party:

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

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

...

487. The Committee is concerned at the absence of juvenile courts and juvenile judges, and

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at the limited number of social workers and teachers working in this field. In addition, the Committee is deeply concerned at...the absence of a formal obligation to inform parents about the detention [and] the possibility for children to appeal only through their parents...

...

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

...

(e) Amend legislation to allow children to appeal a decision without their parents;

...

(h) Ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 527-530.

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

528. The Committee recommends that the State party:

(a) Establish a national system for receiving, monitoring and investigating complaints, and when necessary prosecuting cases, in a child-sensitive manner, and provide training for law enforcement officials, social workers and prosecutors in this regard;

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

...

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

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

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

530. The Committee recommends that the State party:

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

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

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

...

- Israel, CRC, CRC/C/121 (2002) 131 at para. 612.

612. The Committee is concerned about:

...

(c) Military Orders Nos. 378 and 1500, as well as all other military orders which may allow prolonged *incommunicado* detention of children, and which do not provide due process guarantees, access to legal assistance and family visits.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 54-57.

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

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

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

...

55. The Committee recommends that the State party:

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- (a) Undertake a comprehensive study on the phenomenon of institutionalization of children;
- (b) Promote the family as the best environment for the child, through counselling and community-based programmes as well as financial support to assist parents in raising children at home;
- (c) Continue to increase and strengthen foster care, family-type foster homes and other family-based alternative care;

...

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

...

56. The Committee welcomes the judgement pronounced in May 2000 by the National Court of the Estonian Republic, which deemed unconstitutional the refusal of a residence permit application for the purposes of family reunification on the grounds that it exceeded the immigration quota. The Committee is concerned that article 5, paragraph 3, of the 1997 Refugee Act does not guarantee family reunification because it requires a dependent refugee spouse and dependent children outside Estonia to meet the criteria of the 1951 Refugee Convention even after the principal applicant has met the criteria. Further, the Committee is concerned that there are no legal provisions which make it possible for family members to reunite with a child who has been recognized as a refugee.

57. In accordance with article 10 of the Convention, the Committee recommends that the State party ensure:

- (a) That the provisions of the Aliens Act reflect the decision of the National Court and are implemented;
- (b) That the Refugee Act is amended to ensure that the right to family reunification shall be dealt with by the State party in a positive, humane and expeditious manner.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 87, 88, 118-121, 124 and 125.

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

88. ...The State party is...encouraged to expedite the process of reforming the Civil Act so that both children and parents are guaranteed the right to maintain contact with each other, and to strengthen its efforts to change public attitudes to domestic adoption, in order to withdraw the reservations to articles 21, paragraph (a), and 9, paragraph 3, in accordance

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with the Vienna Declaration and Programme of Action, adopted in 1993.

...

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

119. The Committee recommends that the State party:

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

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

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

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

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

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

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

...

124. The Committee is concerned at the high number of divorced and single parents, primarily mothers, who do not receive the child maintenance payments to which they are legally entitled.

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125. In the light of article 27 and the principle of the best interests of the child (art. 3), the Committee recommends that the State party take all effective measures to enforce child maintenance obligations based on a court order or agreements between parties in a manner that does not stigmatize the child or his or her custodial parent. For instance, the State party might consider establishing a national fund to ensure payment of overdue child maintenance obligations to the custodial parent while enforcement measures are enacted, or introducing a system in which child support payments are automatically deducted from the salaries of those employees with child maintenance obligations.

- Italy, CRC, CRC/124 (2003) 36 at paras. 168, 169, 174 and 175.

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

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

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

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

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

...

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

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

- (a) Take all necessary measures to ensure the implementation of Law 184/83;
- (b) As a preventive measure, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education and counselling of parents and community-based programmes;
- (c) Take effective measures to develop alternative forms to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;
- ...

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

234. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing number of single-parent families, parental abuse and neglect, and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

235. The Committee recommends that the State party:

- (a) Develop a comprehensive child-centred family policy;
- (b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;
- (c) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;

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(e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;

(f) Provide support to families and young pregnant girls;

(g) Undertake campaigns to reinforce the responsibilities of fathers for their children.

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

...

(b) That children may be removed from their families because of their health status, or the difficult economic situation faced by their parents;

(c) That alternative care, such as foster care, or other forms of family-based alternative care, are not sufficiently developed and available;

...

237. The Committee recommends that the State party:

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

...

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

239. The Committee recommends that the State party:

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

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

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(c) Ensure that the cases of intercountry adoption still under consideration are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993;

(d) Explore ways to encourage national adoptions so that recourse to intercountry adoption becomes a measure of last resort.

- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 300 and 301.

300. The Committee notes with deep concern that, as recognized in the State party's report, family disintegration, including divorce, is on the rise and contributes to the increasing numbers of children in conflict with the law and of those living on the street and abusing drugs. The Committee is further concerned at the growing gap between rich and poor families, and that poverty puts children at greater risk of exploitation and abuse.

301. The Committee recommends that the State party:

(a) Strengthen its efforts to develop a comprehensive family policy;

(b) Improve social assistance and support to vulnerable families by establishing a professionalized system of social workers within communities to provide counselling and assistance;

(c) Consider increasing financial support for economically disadvantaged families, particularly within development and poverty reduction plans for rural and remote areas.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 329, 330, 352, 353, 363-366, 369 and 370.

329. The Committee regrets that the State party has not withdrawn its reservation to article 7, paragraph 1, of the Convention. Based on the dialogue, it is the Committee's understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents.

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

...

352. While noting that the principle of the "interest and welfare" of the child is contained in the Act on the Family and in the Law on Social and Legal Protection of Children, the

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Committee is concerned that the principle of primary consideration for the best interests of the child is still not adequately defined and reflected in all legislation, court decisions and policies affecting children. Furthermore, the Committee is concerned that there are insufficient research and training for professionals in this respect.

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

...

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

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

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

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

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

...

(c) Children are often placed at significant distances from parents, who, in turn, may not be aware of their visiting rights; punitive measures such as limitation of phone calls or meetings with parents may also be used;

(d) Contacts with parents are sometimes made conditional upon the behaviour of children in care;

...

366. The Committee recommends that the State party:

(a) Establish or strengthen, at the local level, the mechanism for alternative care within the system of social welfare and take effective measures to facilitate, increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;

(b) Take effective measures to strengthen preventive efforts aimed at reducing the number of children deprived of a family environment due to social problems or in other crisis situations, and ensure that placement in an institution is for the shortest time possible, subject to regular review in accordance with article 25;

...

369. The Committee welcomes information on the national plan to equalize opportunities for citizens with medical disabilities and is encouraged by the growing number of children with disabilities who are integrated into mainstream education; however, the Committee is concerned that:

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

...

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370. The Committee recommends that the State party:

...

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

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 426, 427, 430 and 431.

426. The Committee is concerned that children born out of wedlock are denied the right to know the identity of their father (article 306 of the Civil Code).

427. In the light of article 7 of the Convention, the Committee recommends that the State party take the necessary measures, including the repeal of article 306 of the Civil Code, to ensure, as far as possible, respect for the child's right to know his or her parents' identities.

...

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

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

(a) Ensure that a child shall not be separated from his or her parents against his/her will, unless such separation is in the best interests of the child and if it has been decided by a competent authority, subject to judicial review;

(b) Ensure that a child who is temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance;

(c) Ensure that the child is given an opportunity to participate in the proceedings and that he or she can make his or her views known;

(d) Undertake all necessary efforts to allow the Institute for Social Welfare and Research to carry out a periodic review of placement of all children separated from their parents, whether in institutions or in foster families.

- Iceland, CRC, CRC/124 (2003) 109 at paras. 490 and 491.

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490. The Committee appreciates the State party's approach to a comprehensive policy in matters concerning support to families with children, as evident from the parliamentary resolution on an official family policy, the establishment of the Family Council, the adoption of the 2000 Equal Status and Equal Rights of Men and Women Act, and the Law on Paternity and Maternity of 2000. However, it is concerned that:

...

(b) Insufficient support is provided to single-parent families;

(c) Insufficient leave is afforded to parents with sick children;

(d) More generally, efforts in the area of parental assistance, including the impact of the Council's work, will be limited without adequate allocation of human and financial resources.

491. In accordance with the provisions of the Convention, particularly articles 18 and 27, the Committee recommends that the State party:

...

(b) Make greater efforts to strengthen support to single-parent families;

(c) Increase the available leave for parents with sick children;

(d) Ensure that the Family Council is provided with adequate resources to carry out its mandate effectively.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 57-60, 77 and 78.

57. The Committee notes with appreciation that the Constitution accords both parents equal rights and duties within the family, yet it is concerned that the Transitional Civil Code and customary laws do not generally recognize the principle enshrined in article 18 of the Convention "that both parents have common responsibilities for the upbringing and development of the child", particularly with regard to the custody of children in divorce.

58. The Committee recommends that the State party ensure that, when judicial proceedings or family councils decide to grant one parent custody of the child, the decision is taken on the basis of the best interest and with the participation of the child. The State party should also ensure that both parents are adequately informed of their rights and responsibilities, particularly in the case of divorce.

59. The Committee welcomes the State party's efforts to place orphans with their extended families while providing these families, in particular female-headed households, with

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

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

...

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. The Committee recommends that the State party contthat the views of the child are not taken into consideration when such a decision is taken and that the Social Welfare and Research Institute does not carry out a periodic review of placement of all children separated from their parents.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 127-130.

127. The Committee is concerned that, given the situation on the island following the events of 1974, certain categories of children wishing to attend secondary school must be separated from their parents, and may not be allowed to visit their parents regularly or return upon completion of their education. Furthermore, the Committee notes that boarding schools for these children are available only for boys, and that there is one boarding home for girls.

128. The Committee urges the State party to create equal opportunities for all children wishing to pursue education beyond primary school, including by making boarding schools available to both boys and girls and pursuing efforts to reduce periods of separation from parents.

129. The Committee notes the existence of alternative care services like foster families and

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home-care services and that placement in an institution is used as a solution of last resort. However, the information provided in the written replies shows that, in practice, the number of children in institutions is rising while the number of children in foster care is decreasing.

130. The Committee recommends that the State party:

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

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

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 185-188.

185. The Committee is concerned that a large number of families are headed by single parents, mostly women, and/or AIDS orphans, many of them facing financial and other kinds of difficulties. The Committee is concerned at the lack of involvement of fathers in the upbringing and development of children.

186. The Committee recommends that the State party:

(a) Take all necessary measures to provide assistance to single-parent and child-headed families in order to support them in bringing up their children and siblings, in light of article 18 (2) of the Convention;

(b) Take the necessary measures to promote the involvement of fathers in the upbringing and development of their children.

187. The Committee notes the information that children deprived of a family environment (orphans and other vulnerable children) should be cared for by the extended family and that foster care is supported by special fees paid to foster parents, but is concerned that these forms of alternative care are not sufficiently encouraged and supported.

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

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- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 257, 258, 261 and 262.

257. The Committee notes the new programme for children of migrant workers undertaken by the Bureau of Foreign Employment, yet it is concerned that families of migrant workers receive little or no assistance with their child-rearing responsibilities while they are working abroad.

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

...

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

262. The Committee recommends that the State party:

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

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

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

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 315, 316, 331 and 332.

315. The Committee is concerned that:

(a) Increasing weakness in family structures due to growing poverty leads to greater

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vulnerability of children;

(b) Single mothers can only file a request for maintenance in the first three years after the birth of their children;

(c) The rights and responsibilities of unmarried fathers are very limited.

316. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with adequate support, including through community structures;

(b) Amend or adopt legislation that does not discriminate against either parent or parents who are not married and provide equal protection to children born out of wedlock, including by abolishing time limits for filing maintenance requests and ensuring the inheritance rights of those children.

...

331. The Committee is concerned that a large number of children have been displaced during the recent armed conflict.

332. The Committee urges the State party to make every effort to protect the civilian population from displacement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing and reunification...The Committee further urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 372 and 373.

372. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not explicitly incorporated in all legislation concerning children and is not always considered in practice. In particular, the Committee is not persuaded that a rigid custodial line of mother, maternal grandmother and father and the exclusion from custodial arrangements of foreign parents outside the State party necessarily give effect to this principle.

373. The Committee recommends that the State party refer to, and fully incorporate in legislation and practice, article 3 of the Convention, including in the area of custody of children.

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- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 428 and 429.

428. While noting the work done, *inter alia* within the Poverty Eradication Programme, and the growing number of family counselling services and parental education programmes, the Committee nevertheless remains concerned about:

- (a) The large proportion of Jamaican families living in poverty, especially in rural and inner-city communities;
- (b) The difficult domestic employment situation and its negative impact on the family situation, e.g. the practice of “child shifting” and situations where one or both parents migrate, leaving the children behind;
- (c) The fact that almost half of all families are headed by female single parents and that their related poverty places children of these families at particular risk of violations of their rights;
- (d) The ongoing difficulties in the field of guidance concerning parental responsibilities.

429. The Committee recommends that the State party:

- (a) Make every effort to provide support to children within the context of the family and consider, *inter alia*, means of improving employment prospects for parents within the State party;
- (b) Give particular support to children in single-parent families;
- (c) Increase its attention to parenting education and needs-based counselling services, especially for fathers, and strengthen support to NGOs working to improve parenting styles. The Committee recommends that the State party seek assistance in establishing targeted programmes from, for example, UNICEF.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479, 480, 482, 483, 494, 495, 512 and 513.

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth...

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480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

...

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

483. The Committee recommends that the State party in its review of legislation and administrative measures ensure that article 3 of the Convention is duly reflected therein and taken into consideration.

...

494. The Committee is deeply concerned at the existence of difficulties in the implementation of decisions of the courts regarding custody and visitation rights for Moroccan children one of whose parents live outside Morocco and for foreign children one of whose parents is Moroccan.

495. The Committee recommends that the State party undertake all necessary efforts to strengthen dialogue and consultation with relevant countries, as mentioned in the State party's report (para. 258), notably those with which the State party has signed an agreement regarding custody or visitation rights, and ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

...

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain...

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

...

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

...

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

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

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

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 621-623 and 625-627.

621. The Committee welcomes the information contained in the State party's report that principles of legislation governing the family have been brought into line with the principles and provisions of the Convention; it also welcomes the expansion in recent years of advice centres for families. The Committee shares the serious concern of the State party relating to the extremely large number of abandoned children becoming *de facto* orphans because of the rising number of families experiencing difficulties due to socio-economic circumstances. In addition, the Committee is also concerned that limiting the duration of maternity leave, abolishing family leave, as well as abolishing or failing to pay many benefits to women with small children, put additional strain on families.

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

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

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

...

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

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

(b) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;

...

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

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

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

41. While welcoming the adoption of Act No. 83 of 20 July 1999 on the adoption of foreign children and noting that *de facto* almost all adoptions are intercountry adoptions, the Committee is concerned about possible irregularities in these cases of adoption. It is further concerned that the Registry Office does not make any reference to the natural parents of adopted children, which implies that such children do not have the right to know their natural parent(s).

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

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- Canada, CRC, CRC/C/133 (2003) 14 at paras. 74, 75, 78-81, 96 and 97.

74. The Committee values the fact that the State party holds the principle of the best interests of the child to be of vital importance in the development of all legislation, programmes and policies concerning children and is aware of the progress made in this respect. However, the Committee remains concerned that the principle that primary consideration should be given to the best interests of the child is still not adequately defined and reflected in some legislation, court decisions and policies affecting certain children, especially those facing situations of divorce, custody and deportation, as well as Aboriginal children. Furthermore, the Committee is concerned that there is insufficient research and training for professionals in this respect.

75. The Committee recommends that the principle of “best interests of the child” contained in article 3 be appropriately analysed and objectively implemented with regard to individual and groups of children in various situations (e.g. Aboriginal children) and integrated in all reviews of legislation concerning children, legal procedures in courts, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children. The Committee encourages the State party to ensure that research and educational programmes for professionals dealing with children are reinforced and that article 3 of the Convention is fully understood, and that this principle is effectively implemented.

...

78. The Committee notes with satisfaction that Canada is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and notes the concern of the State party that parental abductions of children are a growing problem.

79. The Committee recommends that the State party apply the Hague Convention to all children abducted to Canada, encourage States that are not yet party to the Hague Convention to ratify or accede to this treaty and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels in order to resolve cases of illicit transfer and non-return in the best interests of the children involved.

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

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81. The Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 throughout its territory.

...

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

...

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

...

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

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 141, 142, 145, 146, 153 and 154.

141. The Committee is deeply concerned that despite a review of legislation, the State party has still not amended section 59 of the Crimes Act 1961, which allows parents to use reasonable force to discipline their children. While welcoming the Government's public education campaign to promote positive, non-violent forms of discipline within the home, the Committee emphasizes that the Convention requires the protection of children from all forms of violence, which includes corporal punishment in the family and which should be accompanied by awareness-raising campaigns on the law and on children's right to protection.

142. The Committee recommends that the State party:

(a) Amend legislation to prohibit corporal punishment in the home;

(b) Strengthen public education campaigns and activities aimed at promoting positive, non-violent forms of discipline and respect for children's right to human dignity and physical integrity, while raising awareness about the negative consequences of corporal punishment.

...

145. The Committee welcomes the State party's intention to reform its legislation on

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adoption, although it is concerned that planned amendments do not fully conform to the principles and provisions of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

...

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

- (a) Require that children of a certain age consent to their adoption;
- (b) Ensure the right of adopted children to access, as far as possible, information about their biological parents;
- (c) Ensure the right of children, as far as possible, to maintain one of their original first names.

...

153. The Committee is concerned that a significant proportion of children in the State party live in poverty and that single-parent families headed by women, as well as Maori and Pacific Island families, are disproportionately affected.

154. In accordance with article 27, paragraph 3, of the Convention, the Committee recommends that the State party take appropriate measures to assist parents, in particular single parents, and others responsible for the child to implement the child's right to an adequate standard of living. In this regard, the Committee recommends that the State party ensure that assistance provided to Maori and Pacific Island families respects and supports their traditional extended family structures.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 210-213.

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

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the

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Convention.

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

213. The Committee recommends that the State party:

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

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

...

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

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 291-294.

291. The Committee shares the State party's concern at the immediate and long-term consequences on children of the weakening of the family structure.

292. The Committee recommends that the State party continue and strengthen its support to families, including through legal and financial assistance in obtaining adequate housing, basic social services and counselling to help resolve problems. The Committee urges the State party to give particular attention to the establishment of psychosocial and parental guidance programmes to strengthen vulnerable family units such as single-parent households.

293. The Committee is concerned that there is very little interest in simple adoption in the State party (report, para. 705), leading to various types of informal adoption such as "godparenting" that are not conducive to full respect for children's rights. The Committee further welcomes the establishment of the inter-ministerial commission on intercountry adoption, but remains concerned that intercountry adoptions are not properly followed up.

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

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

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

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

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 359 and 360.

359. The Committee is concerned that under the Brunei Nationality Act (cap. 15), citizenship is not automatically granted to children of Brunei women married to non-nationals, while it is where the father is Brunei.

360. The Committee recommends that the State party revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 417 and 418.

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

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

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 471 and 472.

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child’s name and nationality are derived solely from her/his father and not her/his mother.

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472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 550 and 551.

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

551. The Committee recommends that the State party:

(a) Continue measures to strengthen support for families to enable them to care for their children at home by developing a comprehensive child-centred family policy;

(b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;

(c) Strengthen measures, including the development of strategies and awareness-raising activities and support to families, to prevent and reduce the abandonment of children;

...

(e) Provide adequate resources for the effective implementation of the new law on foster care and undertake measures to regulate kinship fostering in order to ensure that the best interests of the children concerned are taken into account;

...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 53, 54, 58, 60, 65-70 and 86.

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

54. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and implemented in all parts of the territory.

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...

58. While noting that the Human Rights Act of 1999 guarantees the right of the child to a nationality, the Committee is concerned that, in some instances:

- (a) Children born out of wedlock may be denied the right to know their father;
- (b) Children with a foreign father may be denied Indonesian citizenship.

...

60. The Committee recommends that the State party reform its citizenship laws, including Law No. 62 of 1958 on Nationality, in order to ensure the transmission of citizenship through both the maternal and paternal lines.

...

65. The Committee is concerned that according to Islamic law applicable to Muslims in Indonesia, in divorce proceedings decisions relating to custody of children are based on the age of the children rather than on their best interests. The Committee is similarly concerned that children cannot legally have a father unless their biological parents are legally married.

66. The Committee recommends that the State party:

- (a) Review its legislation relating to custody of the child with a view to ensuring that all decisions are based on the principle of the best interest of the child, in line with articles 3 and 12 of the Convention;
- (b) Take all necessary measures to facilitate the establishment of the parentage of the child and to guarantee, as far as possible, his/her right to know both biological parents, and to be raised by them.

67. The Committee welcomes the expressed commitment by and increasing cooperation of the State party in the facilitation of durable solutions for East Timorese children separated from their families. However, the Committee remains concerned at the rather limited repatriation which has taken place since 1999 of these children.

68. The Committee recommends that the State party:

- (a) Strengthen measures to ensure the quick and safe repatriation of all separated children to Timor-Leste;
- (b) Continue its collaboration in this regard with UNHCR.

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

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70. The Committee recommends that the State party:

...

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

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

...

86. The Committee recommends that the State party:

...

(b) Strengthen the measures taken to ensure quick and safe repatriation of all Timorese children separated from their families to Timor-Leste;

...

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 148, 149 and 167.

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

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

...

167. The Committee recommends that the State party continue and strengthen its efforts to assist street children, including reintegration into their families as well as taking preventive measures. It also recommends that the State party continue to seek international assistance from, *inter alia*, UNICEF and ILO in this regard.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 206, 207 and 210-215.

206. The Committee welcomes progress made in the formulation of amendments to the Law on Refugees of 1999. It notes, however, that these amendments do not include explicit provisions on family reunification for asylum-seekers and refugees.

207. The Committee recommends that the draft law on amendments to the Law on Refugees

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of 1999 currently under consideration provide explicit protection of the family unity of asylum-seekers and refugees. The amendments should also ensure that refugee children automatically acquire Armenian citizenship when their parents do so, and that the Law on Citizenship is revised accordingly.

...

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

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

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

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

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

215. The Committee recommends that the State party ensure that effective mechanisms to review, monitor and follow up adoption of children are established. In this regard, serious consideration should be given to the establishment of a central authority for adoption. The Committee also recommends that the State party ensure that the Adoption Act is in full conformity with the Convention. The adoption law should guarantee the right of the child to know his or her origin and to have access to information about the background and vital

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medical history of both the child and biological parents. Furthermore, the Committee encourages the State party to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 254, 285, 286, 289, 290, 305 and 306.

254. The Committee welcomes the adoption of:

...

(b) The amendment of the Law on Family Matters (*Reform zum Kindschaftsrecht*) of 16 December 1997, which came into force on 1 July 1998 and which suppresses discrimination between children born in or out of wedlock regarding custody and visitation rights;

...

285. The Committee notes with appreciation the adoption of the third law to amend the federal law on child benefits (entered into force on 1 January 2001) which improves the possibility for both parents to take parental leave and the amendment of the law on parental custody which provides for shared parental custody (*Sorgerecht*) even when they are divorced, separated, or not married, but remains concerned that the judicial system is not yet prepared to fully implement this latter legislation.

286. The Committee recommends that the State party take all necessary measures for a full implementation of the new legislation relating to the law on parental custody, notably through adequate training for magistrates.

...

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

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

...

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

...

(d) The national requirements and procedures for family reunification for refugee families, as defined under the Convention relating to the Status of Refugees of 1951, are complex and too long;

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...

306. In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:

...

(d) To ease refugee family reunification requirements and procedures, in particular for those covered by the refugee Convention of 1951;

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 424, 425, 432 and 433.

424. While noting the judgement of the Supreme Court that the mother was as much the child's natural guardian as the father (*Githa Hariharan v. Bank of India*, 18 February 1999), the Committee expresses its concern that under the law, the father still has the main responsibility with regard to the child.

425. In line with article 18 of the Convention, the Committee recommends that the State party take all necessary measures to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child.

...

432. The Committee welcomes the adoption of the National AIDS Prevention and Control Policy, 2001, aiming at achieving no new infections by 2007. It also welcomes the decision to provide antiretroviral drugs to children and adults free of charge, but remains concerned at the rising number of children infected and/or affected by HIV/AIDS...

433. The Committee recommends that the State party:

...

(b) Strengthen its measures to prevent mother-to-child transmission, *inter alia* by combining and coordinating them with the activities to reduce maternal mortality, and take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;

...

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 502 and 503.

502. The Committee notes with appreciation that the Constitution recognizes the obligation of both parents to support, assist and educate their children, yet it is concerned that domestic and customary laws do not generally reflect article 18 of the Convention.

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503. The Committee recommends that the State party develop and implement programmes to raise awareness of the importance of shared parental responsibilities, to provide the necessary support in the discharge of these responsibilities and to incorporate the constitutional provisions and the articles of the Convention on the Rights of the Child into customary and domestic law. The Committee also recommends that the State party undertake a comprehensive study on the impact of polygamy on the rights of the child.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 559, 560, 565 and 566.

559. The Committee welcomes the proposed changes to the Marriage and Family Relations Act, outlined in the State party's written replies to the list of issues, but is concerned that the right of a child who has been separated from one of his or her parents to maintain regular contact with both parents and other relatives is not sufficiently protected under current legislation.

560. The Committee encourages the State party to expedite the enactment of changes to the Marriage and Family Relations Act and take all necessary measures to protect the right of children to maintain contacts with both parents.

...

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

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

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 626 and 627.

626. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities,

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Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.

627. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as "illegitimate" from legislation and regulations...

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 59 and 60.

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

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

- Panama, CRC, CRC/C/140 (2004) 23 at paras. 128, 129 and 148.

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

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

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

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

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

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...

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

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

...

148. The Committee recommends that the State party take action to regularize the situation of those children of Colombians under temporary protection in Darien who were born in Panama and to facilitate their naturalization. It also recommends full respect for the principle of *non-refoulement* and, whenever deportations are permissible under international law, that they be carried out in such a way as to avoid separating children from their parents...

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 189, 190 and 197-202.

189. The Committee takes note of the efforts made by the State party to re-establish the identity of a large number of children evacuated to different countries during and just after the genocide of 1994. However, the Committee is concerned that it has not yet been possible to identify many children and reunite them with their families.

190. The Committee recommends that the State party strengthen its efforts to reunite these children with their families by facilitating the re-establishment of their identity.

...

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

198. The Committee recommends that the State party:

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

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

199. The Committee is deeply concerned that one third of the children in the State party are

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

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

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

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

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 268 and 274-277.

268. The Committee welcomes the provisions contained in the Constitution and in Act No. 2/77 recognizing the right of the child to be recognized immediately after birth, the right to a name and to a nationality from birth, and the right to know and be cared for by his or her

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parents...

...

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

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

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

(a) To support abandoned children socially and financially;

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

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

277. The Committee also recommends that the State party pay particular attention to enhancing the role of the family in the promotion of children's rights, including by developing family counselling services in both urban and rural areas.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 338, 339, 342, 343 and 357.

338. The Committee welcomes the new legislative amendments with regard to marriage, inheritance and child custody. However, the Committee is concerned about the *de facto* gender discrimination in the sharing of parental responsibilities.

339. The Committee recommends that the State party, in collaboration with community and religious leaders, initiate laws, programmes and policies to prevent and combat the *de facto* discriminatory practices with regard to parental responsibilities and child custody.

...

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

(a) The large numbers of children who have been deprived of a family environment through

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the death of, or separation and abandonment from, their parents or other family;

...

343. The Committee urges the State party:

(a) To make every effort to strengthen family tracing programmes;

(b) To plan for the effective provision of alternative care for separated children, making use of the extended family, foster care and alternative family structures;

...

(d) To take all appropriate measures to ensure that non-orphan children living in institutional homes are brought back to their families, taking into consideration the best interests of the child;

...

357. The Committee recommends that the State party, taking into account General Comment No. 3 of the Committee on HIV/AIDS and the Rights of the Children, continue to strengthen its efforts in preventing and treating the effects of HIV/AIDS. It also recommends the State party to pay particular attention to children infected themselves or who have become orphans due to the death of HIV/AIDS parents, through providing adequate psychological and material support and by involving the community.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 416-419.

416. The Committee expresses its concern at the lack of adequate social policies that enable families to be in charge of protecting their children's rights, and the disintegration and displacement of families and communities of ethnic minority groups.

417. In light of article 18 of the Convention, the Committee recommends that the State party introduce programmes to support families and, in particular, parents in the performance of their parental responsibilities, especially with respect to ethnic minorities and other vulnerable groups, and refrain from activities that may lead to the disintegration or displacement of families.

418. The Committee, while welcoming the State party's activities to reduce institutionalization, is concerned at the large number of children who are placed in institutions. The Committee is further concerned that these institutions provide similar services for groups of children with different needs, such as orphans, abandoned children, children in conflict with the law and street children. The Committee is also concerned at the poor living conditions in these institutions.

419. The Committee recommends that the State party:

...

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

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

...

- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 460, 487 and 488.

460. The Committee notes with appreciation:

...

(c) The amendment to the Maintenance Act in 2001 to provide access by unwed fathers to their children and also increased weekly child maintenance by 50 per cent;

...

487. The Committee notes with concern the limited degree to which fathers assume their parental responsibility.

488. The Committee recommends that the State party undertake measures to strengthen the capacities of families to take care of their children, and in particular pay attention to strengthening the role of fathers.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 549-556.

549. The Committee notes with appreciation the commitment of the State party to early childcare based on the 1976 Law on Nursery and Upbringing of Children. However, it is concerned at the excessive degree of State involvement in childcare to the detriment of the parental involvement, hindering psychosocial and cognitive development of children. Of particular concern are the widespread practice of leaving children in nurseries from Mondays to Saturdays and the upbringing of twins and triplets being relinquished to the State. Furthermore, the Committee expresses concern over the lack of human and financial resources available for nurseries, which affects the quality of care.

550. In the light of article 18, paragraph 1 of the Convention, the Committee recommends that the State party place greater emphasis on its policies on the primary responsibilities of parents, and to encourage and provide parents with the necessary support to enable their greater involvement in the nursing and upbringing of their children, reducing the role of the

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State to a subsidiary and not a primary one.

551. The Committee notes the State party's commitment to early childhood development and the high enrolment rates in nurseries and kindergartens. However, it is concerned that the economic hardships facing the country have negatively affected the quality of services provided by childcare facilities, and that there is no comprehensive strategy to address this problem.

552. The Committee recommends the State party to promote day-care nurseries and kindergartens and to discourage the use of the 24-hour nursery and kindergarten system (often 5 days a week), to be used by parents only as a last resort. The Committee recommends the State party to develop a strategy to increase the financial and human resources available for childcare facilities and ensure a basic minimum standard of services for all institutions, in particular with regard to nutrition, heating, water, sanitation and hygiene.

553. The Committee is concerned at the information that the whereabouts of parents may not be provided to children if the parents have been sentenced to reform through labour or have been punished by death for a crime.

554. The Committee recommends that the State party take all necessary measures in line with article 9, paragraph 3, of the Convention to keep children informed about the whereabouts of their parents, and to fully implement their right to maintain personal relations and direct contact with both parents on a regular basis.

555. The Committee is concerned at the relatively high numbers of children who are separated from their parents and are living in institutions, such as children's homes, orphanages and orphan schools.

556. The Committee recommends the State party:

(a) To undertake the necessary measures to reduce the institutionalization of childcare by strengthening and supporting the system of foster care, family group homes (4-6 children) and, whenever appropriate, domestic adoption;

...

- France, CRC, CRC/C/140 (2004) 124 at paras. 602, 603, 610 and 611.

602. The Committee takes note of the law adopted on 22 January 2002 related to the right to know one's origins. However, the Committee remains concerned that the rights enumerated in article 7 of the Convention may not be fully respected by the State party and

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that the right to conceal the identity of the mother if she so wishes is not in conformity with the provisions of the Convention...

603. The Committee recommends that the State party take all appropriate measures to ensure that the provisions of article 7, especially the right of the child to know, as far as possible, his or her parents, be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3)...

...

610. The Committee is concerned at the length of family reunification procedures for recognized refugees, which may often take over a year.

611. The Committee recommends that the State party take all necessary measures to ensure family reunification procedures are dealt with in a positive, humane and expeditious manner.

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 139 and 140.

139. The Committee notes with concern that there is an increasing number of children without adequate parental support due to various reasons, *inter alia*, the lack of child support by fathers.

140. The Committee recommends that the State party:

(a) Take all necessary measures to provide parents and families in particularly difficult circumstances with the necessary financial and other support as much as possible;

(b) Take the necessary legislative and other measures to ensure that the best interests of the child are of primary consideration and that guardianship with one of the parents after divorce is not automatically granted to the father;

(c) Take measures to improve the enforcement of child support by fathers, in particular of children born out of wedlock, *inter alia*, by providing mothers with information about the legal provisions in this regard and with the necessary legal or other assistance free of charge for mothers who cannot afford it, not only for initiating legal actions but also for enforcing court decisions.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 206-211, 218 and 219.

206. While taking note of the legislation adopted in the area of the family environment, the new Family Act and the Social Welfare Act, the Committee remains concerned that many children are left on their own without proper guidance from parents and other caregivers.

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The Committee also remains concerned that supervision and guidance for vulnerable families are not well structured and defined, making it difficult to monitor the situation.

207. The Committee recommends that further efforts be made to ensure the effective implementation of the Family Act as regards guidance and responsibility for the child in light of article 27, paragraph 2. The Committee further recommends that the State party take all necessary steps and devote adequate resources to providing ongoing training of the staff of the social welfare centres and provide for effective administrative, legal and practical measures to ensure the quality and efficiency of all the activities of these institutions.

208. The Committee expresses its concern that quite a number of children without parental care or who have lost contact with their families are in institutions or in foster care and about the low quality of care and treatment provided to these children. The Committee is also concerned about the apparent insufficient monitoring of placements.

209. The Committee recommends that the State party give high priority to the assistance provided to families in order to prevent placement of children in alternative care. The Committee further recommends that the State party promote family-based assistance in foster care as a form of alternative care and ensure that institutionalization is used only as a measure of last resort, i.e. that it is professionally indicated and in the best interests of the child, and conduct periodic reviews of the placement of children in light of article 25. The Committee also recommends that the State party develop quality standards of foster care and significantly decrease the time spent in institutions for children deprived of parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.

210. While welcoming amendments to the legislation on maintenance, the Committee is concerned that recovery of maintenance is not sufficiently ensured in practice and that the related administrative and court proceedings are often too lengthy.

211. The Committee recommends that the State party take further measures to ensure that legislation on the payment of maintenance is fully implemented, consider alternative measures to court procedures in this regard and ensure more expeditious court proceedings and strict enforcement of court orders. The Committee also recommends that the State party reconsider establishing a fund to provide support to parents waiting for the decision regarding the maintenance of their child.

...

218. ...The Committee is...concerned about the information that mothers are not allowed to stay with their hospitalized children free of charge unless the child is less than 6 months of age.

219. The Committee recommends...that children not be separated from their parents when

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they are hospitalized.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 280-283.

280. The Committee notes with concern that many children in institutional care have parents and are deprived of their family environment. Sanctioning parents who do not fulfil their parental responsibilities by depriving them of their parental rights is also of concern to the Committee.

281. The Committee recommends that the State party:

(a) Adopt a comprehensive strategy and take preventive measures to avoid separating children from their family environment (*inter alia*, by providing parents or guardians with appropriate assistance) and to reduce the number of children living in institutions;

(b) For the limited number of children who have to be placed in institutions, the State party should take measures to make their stay as short as possible, *inter alia* by strengthening foster care;

(c) Take measures to create an environment that would allow for fuller development of the child and prevent and protect children from all forms of abuse. Contacts with the family while the child is institutionalized should also be further encouraged;

(d) Establish procedures for the investigation of complaints from children in cases of physical and emotional abuse.

282. The Committee is concerned that the new Family Code does not require changes in the legislation concerning the secrecy of the adoption or the right of the adopted child to know who his/her biological parents are. The practice of encouraging parents to sign documents by which they agree to give up their children when placing the latter under institutional care, although not widespread, is a matter of concern to the Committee.

283. In light of article 21 and other relevant provisions of the Convention, the Committee recommends a review of the above-mentioned laws and policies with regard to adoption, as well as the setting up of a mechanism to monitor adoptions. When the State party considers lifting its moratorium on intercountry adoptions, the Committee recommends that it accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 347-352, 355 and 356.

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347. The Committee is concerned at the weakening of family support for children, which is also demonstrated by the fact that less than 50 per cent of children live with both parents due to various factors including urbanization, very-large-scale poverty, the increase of HIV/AIDS, a deterioration of traditional solidarity and a high level of promiscuity.

348. The Committee recommends that the State party continue and strengthen its efforts, including via the Ministry of Social and Women's Affairs, to give priority to the development and implementation of adequate measures to support vulnerable families, such as single-parent families.

349. While the Committee welcomes the existence in the country of institutions where the many orphans in the State party can be accommodated, as well as the information that a new one is under construction, it recalls that the institutionalization of children should always be a temporary measure of last resort, professionally indicated and in the best interests of the child. It is also concerned about the lack of information on the systematic review of the situation of children living in these institutions.

350. The Committee recommends in this regard that the State party:

(a) Ensure children are placed in institutions only following proper judicial proceedings and that children in institutions maintain contact with their parents or other caregivers, and that it facilitate, when possible, return of institutionalized children to their families or extended families;

(b) Adequately regulate the placement of children in institutions and ensure periodic reviews of placement, in light of article 25 of the Convention. It also recommends that the State party increase the support services and financial assistance for foster care families;

(c) Provide adequate training to judges, caregivers and other professionals.

351. The Committee is concerned that some customary laws automatically grant parental authority to the father in the event of parental separation or divorce.

352. The Committee recommends that the State party ensure that when judicial proceedings or family councils decide to grant one parent custody of the child, the decision be taken based on the principle of the best interests of the child and with the child expressing his/her views. The State party should also ensure that both parents have common responsibilities for the upbringing and development of the child and receive adequate legal and other assistance in this regard, and that they are adequately informed of their rights and responsibilities, particularly in the case of separation or divorce.

...

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355. The Committee notes with concern information indicating a high level of tolerance of promiscuity in families, the lack of information available on child abuse in the family and that legislation for the protection of children from sexual abuse does not expressly prohibit sexual intercourse with minors that are the offender's natural children.

356. The Committee recommends that the State party:

(a) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective laws, policies and programmes to combat all forms of abuse;

(b) Develop a national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases in a manner that is child-sensitive and respects the victims' privacy;

(c) Reform legislation on child abuse in the family to expressly prohibit sexual abuse;

(d) Set up a comprehensive and nationwide response system that is designed to provide, where appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and that ensures that all victims of violence have access to counselling and assistance with recovery and reintegration, while preventing stigmatization of victims of abuse;

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

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 411, 412, 415, 416, 435 and 436.

411. The Committee expresses its concern that the care of children deprived of their family in the State party is insufficient. Although children's placement in foster families is given priority, many children are placed in homes that are poorly equipped and understaffed, as there is a lack of foster care and family-based alternative care. The inadequate monitoring and follow-up of placements in institutions is also a cause of concern.

412. The Committee recommends that the State party take effective measures to develop and promote an effective and extended system of foster care and other family-based alternative care. The State party should also take measures to ensure that the situation of children living in institutions, both public and private, is regularly monitored.

...

415. While the Family Code obliges parents to provide for the maintenance of their children, the Committee is concerned that in practice it is difficult to recover this maintenance and often it is the parent who has custody who carries the full financial costs of bringing up the

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child.

416. The Committee recommends that the State party strengthen measures to ensure that both parents contribute to the maintenance of their children.

...

435. The Committee notes with appreciation the many efforts undertaken by the State party to address the various problems resulting from massive internal and cross-border displacements. Despite the good results achieved in returning people to their places of origin, the Committee is concerned about the vulnerable situation of internally displaced and refugee families and children in the State party. It is also concerned that the returnees are facing many problems, particularly due to the lack of basic services, and that many children have still not been reunited with their parents.

436. The Committee urges the State party to give priority attention to the vulnerable situation of displaced families and children and ensure that adequate support is given to the reintegration of families and children who have returned to their places of origin after the end of the armed conflict. The State party should, in this regard, ensure compliance with the Norms on the Resettlement of Displaced Populations (Decree 1/01 of 5 January 2001) which provides, *inter alia*, for the voluntary nature of resettlement, the security of resettlement sites, the allocation of adequate land and the provision of certain basic amenities and services, such as water, sanitation, schools and health facilities.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 485, 486 and 489-492.

485. Given the information that some 50 per cent of all households in the State party are headed by women, the Committee expresses its concern that the establishment of legal paternity, where the biological father does not want to legally recognize the child, is time consuming and expensive, which constitutes an impediment to the right of the child to an identity and/or to know both parents.

486. In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of legal paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.

...

489. The Committee welcomes the Magistrates Code of Procedure (Amendment) Act of 1993 which revised the laws to ensure better provision of child maintenance by absent fathers. However, it remains concerned that the domestic laws of the State party only provide for obligations of fathers towards their children and do not fully reflect article 18 of

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the Convention, which stipulates that both parents have common responsibilities for the upbringing and development of the child.

490. The Committee recommends that the State party:

(a) Give consideration to ways of providing particular support to children in single-parent families, including through community structures and social security benefits;

(b) Amend or adopt legislation so that both parents have equal responsibilities in the fulfilment of their obligations towards their children;

(c) Take measures to ensure as far as possible the maintenance of children born out of wedlock by their parents, in particular their fathers, and ensure that maintenance is provided to children over 16 who are still continuing their education;

(d) Engage in serious efforts to reform the Family Code; and

(e) Consider ratifying the Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

491. The Committee is concerned that currently, no legal provisions exist to protect the right of a separated parent and/or child to remain in contact with each other.

492. The Committee recommends that the State party review existing legislation to ensure adequate protection of the right of a separated parent and/or child, with due consideration given to the best interests of the child.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 47, 48, 51-54, 65 and 66.

47. The Committee welcomes the various programmes and legislative reforms, such as the “influence forums” and the right of the child to have his/her views heard in legal proceedings and in school matters, established by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned that, despite the remarkable efforts, some children and young persons do not feel they have any real influence in matters concerning their life in society.

48. The Committee recommends that the State party:

(a) Ensure that administrative or other decisions relevant to children contain information on how the views of the children were solicited, on the degree to which the views of children

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were adopted and why;

(b) Consider providing children in very conflicting custody and visitation disputes with appropriate assistance.

...

51. The Committee notes with appreciation that financial assistance is made available to cover the costs incurred by individuals when restoring illicitly transferred or non-returned children and the review currently under way of the implementation of the Hague Convention No. 28 on the Civil Aspects of International Child Abduction of 1980. However, the Committee notes that there are still a number of pending cases to be solved involving children of mixed marriages.

52. The Committee recommends that the State party continue strengthening measures to prevent and combat illicit transfer and non-return of children and to solve pending cases, with due regard to the best interests of the child.

53. The Committee is concerned about:

(a) The increasing number of children placed in institutions rather than in foster homes;

(b) The fact that the proportion of children with a foreign background who are placed in institutions is higher than that of Swedish children;

...

54. The Committee recommends that:

(a) The State party take preventive measures specifically targeted at families with a foreign background, including awareness-raising within social services about the relevance of cultural background and immigrant status, so that help can be given before a situation develops that necessitates the taking of children into care;

...

65. The Committee is concerned at the excessive length of family reunification procedures for recognized refugees.

66. The Committee recommends that the State party strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 109, 110, 117-120, 133, 134, 147 and 148.

109. The Committee notes the significant efforts made by the State party to ensure that every child is registered within 30 days after birth. Nevertheless, it appears that those failing

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to meet the deadline encounter additional difficulties.

110. The Committee recommends that the State party take appropriate measures to promote the registration of all children, including through facilitating late registration when necessary and paying particular attention to the most vulnerable and marginalized groups. In this context, the State party should ensure that the provisions of article 7 be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents...

...

117. The Committee is concerned that family reunification procedures may not always be dealt with in a manner consistent with the general principles (arts. 2, 3, 6 and 12) and in particular, article 10 of the Convention.

118. The Committee recommends that the State party take all necessary measures to ensure that family reunification procedures are dealt with in a positive, humane and expeditious manner. In this context, the Committee also urges the State party to take measures for the effective implementation of the Law on Integration and Family Reunion of Persons Granted Asylum (Law No. 9098 of 2003) and to enact all necessary by-laws.

119. The Committee welcomes the programmes of development of social services aimed at the deinstitutionalization of children and the shifting towards decentralized and community-based services with a view to improving living standards that are conducive to reintegration. However, the Committee remains concerned that children may be removed from their families because of their health status, or placed in institutions by parents in difficult economic situations.

120. The Committee recommends that the State party:

- (a) Take effective measures to strengthen support to families by developing a comprehensive child-centred family policy to enable families to care for their children at home;
- (b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (c) Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;
- (d) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection.

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...

133. The Committee notes the efforts that the State party is making to improve the living standards of families in poverty and of children in institutional care, orphans or other children with special needs. However, the Committee is concerned that a large number of children live in poverty, or in extreme poverty, and that many children do not receive child support maintenance following divorce of their parents, or as the case may be, the amount is largely insufficient.

134. The Committee encourages the State party to pursue measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Economic growth should be used to improve the living conditions of families. In addition, the State party is encouraged to consider ratifying the Hague Conventions No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations and No. 24 on the Law Applicable to Maintenance Obligations.

...

147. The Committee is very concerned that street children represent the most unprotected category of children in Albania and regrets the lack of information in the State party's report in this respect.

148. The Committee recommends that the State party:

(a) Undertake a study to consider elaborating a comprehensive strategy to address the increasing number of street children with the aim of preventing and reducing this phenomenon in the best interests of these children and with their participation;

...

(c) Strengthen the support and assistance available to families, both as a preventive measure and a measure conducive to the return of children to their families or other settings, as appropriate.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 184, 185, 190, 191, 209 and 210.

184. The Committee remains concerned about the fact that the children born anonymously ("under x") are denied the right to know, as far as possible, their parents, and notes with interest the proposal of the National Consultative Commission on Life Sciences and Health Ethics (CNE) which seems to allow for significant improvements in this regard.

185. The Committee urges the State party to take all necessary measures to prevent and eliminate the practice of the so-called anonymous birth. In case anonymous births continue to take place, the State party should take the necessary measures so that all information about the parent(s) are registered and filed in order to allow the child to know - as far as possible

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and at the appropriate time - about his/her parent(s).

...

190. The Committee is concerned about the fact that parents automatically lose parental authority over their children when they are placed in foster care or in institutions by the courts, apparently without determining whether such an automatic measure is in the best interests of the child.

191. The Committee recommends that the State party take all possible measures, including revision of the existing legislation, in order to adequately protect parental rights and parent-child relationship and that the transfer of parental authority be used only in exceptional circumstances and in the best interests of the child.

...

209. The Committee is...concerned at the excessive length of asylum procedures, and that, in principle, separated children staying in Luxembourg are not entitled to reunification with their family...

210. The Committee recommends that the State party take all the necessary measures for an adequate reception of unaccompanied and separated children applying for asylum in Luxembourg. In particular, the State party should:

...

(c) Provide the possibility for an appropriate caregiving relationship, such as through foster care or by special reception facilities designed for children;

(d) Reduce the length of the procedures for children seeking asylum and deal with application by a child or his/her parents for the purpose of family reunification in a positive, humane and expeditious manner, in the light of article 10 of the Convention;

...

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 251, 252, 257 and 258.

251. The Committee is concerned at the practice of anonymous birth in the State party (also known as “baby flaps” or “baby nests”) and notes the information that some data on the parent(s) are collected in an informal manner.

252. The Committee recommends that the State party undertake all necessary measures to prevent the use of the so-called “baby flaps”. It further recommends that the State party, as a matter of urgency, introduce and implement legal provisions and regulations for the separate registration of all relevant medical and other data, in particular the name and date of birth of the parent(s) and allow the child at an appropriate time to have access to these data.

...

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

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

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 334-337.

334. While noting the State party's efforts to support parents and to develop their parental skills, *inter alia*, through the Community and Parenting Empowerment Project (COMPAR), the Committee expresses serious concern about the provisions of the Certified Institution (Children's Reformation) Act on "uncontrollable behaviour" according to which parents are able to seek institutional care, primarily within the Youth Hostel, for a child beyond parental control.

335. The Committee urges the State party to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of "uncontrollable behaviour" of children and to gradually preparing for "deinstitutionalization".

336. The Committee is concerned that recovery of maintenance is not sufficiently ensured in practice. It is concerned at the actual implementation and, in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders. The Committee also notes with concern that children of unmarried parents do not have equal right to maintenance as those of married parents.

337. In the light of article 27, paragraph 4, of the Convention, the Committee recommends that the State party take further measures to ensure the full implementation of legislation on the payment of maintenance as well as to ensure equal right to the recovery of maintenance for all children, irrespective of their parent's marital status. The Committee also recommends that the State party effectively implement and conclude bilateral agreements for reciprocal enforcement of maintenance orders and reconsider establishing a fund to provide support to parents waiting for the decision regarding the maintenance of their child.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 411 and 412.

411. The Committee welcomes the efforts made by the State party to ensure payment of child maintenance, usually by fathers, but is concerned at the rather large percentage of fathers who are defaulting on child maintenance payments.

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412. The Committee recommends that the State party carry out its plans to further strengthen the legal instruments for the enforcement of child maintenance orders, and continue and strengthen its international/bilateral cooperation with regard to the recovery of maintenance abroad.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 459, 460, 462, 463, 468, 469, 472, 473, 486, 487, 497 and 498.

459. The Committee is deeply concerned at the persisting discrimination against girls and women, in particular in their role as parents, reflected in various legal provisions and practices (e.g. the requirement that a child's father or paternal grandfather only may give his permission for the issuance of a passport for a child under 18 years. Consequently, in a case in which the parents are separated and the mother of the child resides in another country, the child may only leave Iran to visit his/her mother if the father permits the child to do so.). The Committee is equally concerned at discrimination on the grounds of religion and birth. As to the latter, it is concerned that insufficient information has been provided on children born out of wedlock, in particular with respect to the discrimination against and stigmatization of these children, who are particularly vulnerable.

460. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender-neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

...

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

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

...

468. The Committee regrets that little progress has been made concerning respect for the views of the child in judicial decisions, including concerning custody, divorce, administrative decisions, in the family, at school and society at large, owing to the traditional societal attitudes towards children, and that the State party has insufficiently informed the

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public about the right of children to participate in all matters affecting them. The Committee is concerned that the child's view is only represented through the father or paternal grandfather or other appointed guardian and not directly by the child.

469. In the light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views fully in all matters affecting them at school, within the family, in the courts and administrative bodies and in society in general. In this regard, the Committee recommends that the State party adopt and implement appropriate legislation, and undertake awareness-raising campaigns and educational programmes on the implementation of the principle of "respect for the views of the child". The Committee also recommends that the State party seek assistance from, among others, UNICEF in this regard.

...

472. The Committee is concerned about information that a large number of Iranian children, particularly those living in rural areas, are still not registered at birth and that birth registration is required for school enrolment. It is also concerned about reports that a large number of children born of non-Iranian parents, and in particular Afghan parents who have not registered in Iran, will similarly remain unregistered, thereby excluding them from obtaining a refugee registration card.

473. In the light of article 7 of the Convention, the Committee encourages the State party to adopt all appropriate measures to ensure the registration of all children at birth, including all refugee children born in rural areas. Such measures should include the establishment of mobile registration offices and, for children not yet registered, registration units in schools. In this context, the State party should ensure that the provisions of article 7 are fully enforced in conformity with the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents. Meanwhile, immediate access by children not registered at birth to basic services, such as health and education, should be ensured, while the registration of these children is properly prepared.

...

486. The Committee is concerned about the large number of children living in prisons with their mothers and about their living conditions and the regulation of their care if they are separated from their mothers in prison.

487. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their mothers in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and out of prison) and ensure that the living conditions in prisons are adequate for the child's development in accordance with article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison and allow them to maintain personal relations and direct contact with

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their mothers remaining in prison.

...

497. While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin, and the lack of access by humanitarian organizations to these children. It is concerned at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian.

498. The Committee recommends that the State party:

- (a) Allow immediate access by humanitarian organizations and United Nations agencies to all unaccompanied children in the State party;
- (b) Discontinue the practice of deporting unaccompanied children under 18 years of age back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;
- (c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;
- (d) Ensure that all refugee children are registered and have full access to free education, health and other services;
- (e) Continue its cooperation with UNHCR and other United Nations agencies.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 557, 558, 581 and 582.

557. The Committee is concerned that many children live with single mothers or in a vulnerable socio-economic family environment, and that recovery of maintenance from fathers is weak.

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

- (a) To provide children in single-parent families or other vulnerable socio-economic environment with adequate support, counselling or other services;

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(b) To strengthen the legal and other instruments for an effective recovery of maintenance and develop international cooperation in this regard.

...

581. The Committee is concerned at the large number of children living and working on the streets, at the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and at the very poor registration and tracing of missing children by the police.

582. The Committee recommends that the State party:

(a) Develop a comprehensive strategy to address the root causes of the large number of street children, with the aim of reducing and preventing this phenomenon, including by strengthening the capacities of the families;

...

(d) Facilitate the recovery and social reintegration, especially through strengthening family relationships, of street children;

(e) Ensure adequate registration and effective tracing of missing children;

(f) Provide psychosocial support to street children when they return to their families;

...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 630-635.

630. The Committee is concerned about the large number of children separated from their parents who are living in institutions in the State party, despite the State party's intention to reduce the number of institutionalized children. It also notes with concern that parents in some cases place their children in institutions for economic reasons.

631. The Committee recommends that the State party take effective measures to reduce institutionalization of children by undertaking well-targeted efforts to return children to their parents and by strengthening and supporting the system of foster care and, whenever appropriate, domestic adoption. The State party should ensure that placements in institutions are periodically reviewed.

632. The Committee reiterates its concern about the situation of children living in prisons with one of their parents and about the living conditions of these children and the regulation of their care if they are separated from their parent in prison.

633. The Committee recommends that the State party develop and implement clear

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guidelines on the placement of children with their parent in prison, in instances where this is considered to be in the best interest of the child (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison) and ensure that the living conditions in prisons are adequate for the child's development, as required by article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison, which is regularly supervised and allows the child to maintain personal relations and direct contact with its parent remaining in prison.

634. The Committee welcomes measures taken to strengthen the protection of the rights of adopted children. However, the Committee is concerned about the limited understanding and acceptance in the State party that domestic adoptions are more desirable than intercountry adoptions, the lack of mechanisms to prepare prospective adoptive parents, and the lack of mechanisms to follow up and monitor the situation of adopted children and children placed in foster care. The Committee is also deeply concerned about the continuing occurrence of illegal adoptions.

635. The Committee recommends that the State party develop and implement a comprehensive adoption policy and raise awareness of the importance of domestic adoption. As stipulated in article 21 (b) of the Convention, intercountry adoption should be considered an alternative means of childcare only if an adoptive family or foster care placement cannot be found within the country. Effective mechanisms to review, monitor and follow up adoption of children should be established. The Committee urges the State party to strengthen its efforts to prevent illegal adoptions and to ensure that its legislation and practice on national and international adoptions is brought into line with article 21 of the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, respectively. The central authorities should be provided with adequate resources to regulate and monitor the activities of international adoption agencies in the State party.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 706 and 707.

706. In view of the information that cases of abandoned children are common and that the number of HIV/AIDS orphans is rapidly increasing, the Committee is concerned that the State party does not have a comprehensive and well-resourced policy programme in place for the protection of orphans, and that current facilities available for the alternative care of children deprived of their family environment are qualitatively and quantitatively insufficient and many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee is concerned that children themselves are not heard prior to and during their placement.

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707. The Committee recommends that the State party:

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

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

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

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

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

(f) Seek assistance from UNICEF in this regard.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 61-66 and 69-73.

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

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

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

64. The Committee recommends that the State party amend its legislation to include the concrete recognition of both parents in the upbringing and development of the child, as well

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as investigate and submit to the Committee disaggregated information relating to the benefits, progress, and difficulties encountered in the measures relating to child development and upbringing.

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

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

...

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

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

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

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

73. The Committee recommends that the State party:

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

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

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

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 147-152, 156 and 157.

147. As regards parental responsibilities for the upbringing and development of the child, the Committee is concerned about many Philippine children living with loose family ties due to the fact that at least one parent is working overseas.

148. The Committee calls for effective implementation of the Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes (Republic Act No. 8042) and recommends to the State party that it take all necessary measures to ensure that overseas Philippine workers, equally women and men, are able to meet their parental responsibilities, including through concluding bilateral agreements with the countries of destination, and facilitate family reunification and a stable family environment for the upbringing of children. In addition, the Committee recommends that the State party continue its efforts to develop and provide child-sensitive family counselling services for overseas Philippine workers and their children.

149. While noting the high number of Philippine children with a parent or both parents working overseas, the increasing number of Philippine children born abroad during overseas migration and the cases where paternity has not been established, the Committee is concerned that the State party has not sufficiently ensured the recovery of maintenance in practice. The Committee is concerned about the insufficient implementation of domestic laws, for example the relevant provisions of the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and the enforcement of court orders in this respect. In addition, the Committee is concerned at the actual implementation of, and in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders.

150. The Committee recommends that the State party secure in practice the recovery of maintenance for the child. As regards parent(s) working abroad, the Committee encourages the State party to conclude bilateral agreements for reciprocal enforcement of maintenance orders and consider establishing a fund to secure the payment of maintenance in those cases where the recovery of maintenance fails.

151. The Committee welcomes the ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and notes with appreciation the provisions of the Intercountry Adoption Law (Republic Act No. 8043) and the Domestic Adoption Law (Republic Act No. 8552). The Committee takes note with

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concern that the Government bill on the Foster Care Act has been pending in Congress for several years. The Committee is concerned that the lengthy process of declaring a child for adoption results in a prolonged stay in an institution. The Committee also notes with concern that intercountry adoption is not used as a last resort.

152. The Committee recommends that the State party make every effort to ensure that all adoptions fully comply with the principles and provisions of the Convention as well as with other relevant international standards and are conducted in the best interests of the child and that intercountry adoption is used as a last resort. The Committee encourages the State party to adopt and implement as a matter of priority the Foster Care Act. The Committee recommends to the State party that it identify the factors in the adoption process which result in children's prolonged stay in institutions. Furthermore, the Committee recommends that the State party provide foster parents and foster children with adequate psychosocial services.

...

156. As regards children living in prison with their mothers, the Committee is concerned about access to adequate social and health services for these children and particularly, about their living conditions, which are often poor and fall short of international standards.

157. The Committee recommends that the State party ensure that living conditions and health services in prison are adequate for the child's early development in accordance with article 27 of the Convention and that the principle of the best interests of the child (article 3 of the Convention) is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers. The Committee recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, the Committee recommends that the State party ensure that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 242 and 243.

242. The Committee notes that, during and after the armed conflict, the number of children's homes receiving children without parental care more than doubled. The Committee is concerned that these institutions may become, in some cases, places of potential discrimination, because of, *inter alia*, limited access to health care, lack of adequate life skills training, lack of adequately educated professionals, poor facilities and lack of adequate resources. Furthermore, the Committee is concerned that, once a child is in alternative care, little effort is made to reunify the family and child.

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243. The Committee recommends that the State party ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child, and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 323, 325 and 330-335.

323. The Committee is...concerned that many groups of children are not registered and/or are ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents. The Committee is particularly concerned that under the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976 a mother may experience difficulties in registering her child, and similarly, the Citizenship Act of 1964 does not allow a child to claim nationality with his/her mother's name. As a consequence, children born to foreign fathers, abandoned children, orphans, children born to single mothers and children from the *Badi* community who may not be able to identify their fathers are unable to obtain citizenship. In addition, the Committee expresses concern that birth registration of Bhutanese refugees is not carried out by the authorities.

...

325. The Committee...recommends the State party to amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 1964 and articles 9 (1), (2) and (5) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention. The Committee also urges the State party to, as a matter of priority, review its policy regarding birth registration of refugee children and ensure that all children of refugees and asylum-seekers born in the State party are issued with birth certificates.

...

330. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives. Furthermore, the Committee is concerned that these

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residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

331. The Committee recommends the State party:

(a) To develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and vulnerable families such as single-parent households;

(b) To undertake effective measures for the reunification of separated families, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;

(c) To ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placement is only used as the last resource and for the shortest time possible.

332. The Committee is concerned about the significant number of children who are living in adult prisons with their parents, often in poor conditions that fall short of international standards.

333. The Committee recommends to the State party that it review the current practice of children living with their parents in prison, with a view to limiting the stay to instances in which it is in his/her best interest, and to ensuring that the living conditions are suitable for his/her needs for the harmonious development of his/her personality. The Committee also recommends that children of parents in prison should be provided with adequate alternative care, for instance, within the extended family and be allowed regular contact with their parents.

334. Given the significant number of Nepalese children who are adopted by foreigners and in the context of the current armed conflict in the State party, the Committee is concerned at the lack of a clear policy and appropriate legislation on intercountry adoption, which results in various practices, such as trafficking and smuggling of babies. The Committee is particularly concerned about the absence of due judicial process, including technical assessment of the capacity of the parents or guardians, in cases involving termination of the parental responsibility. The Committee also expresses concern regarding the practice of the so-called informal adoption, which may entail exploitation of children as domestic servants.

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335. The Committee recommends the State party to develop and implement policies and legal provisions regarding intercountry adoption to guarantee that the practice of this form of adoption is in full conformity with the principles and provisions of the Convention, in particular, article 21. In this regard, the Committee recommends the State party to, in particular:

(a) Ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, in order to *inter alia*, prevent trafficking and smuggling of children;

(b) Review the current mechanisms and procedures for domestic and intercountry adoption, particularly the role and the responsibilities of the national and district level decision-making bodies with a view to ensuring that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in the light of the Hague Convention;

(c) Develop and implement strict criteria for the adoption of Nepalese children, ensuring in particular that reasonable time is given for an effective tracing of the parents or close relatives of children separated from them as a result of the armed conflicts, and abolish the provisions in the Conditions and Procedures made to provide Nepalese Children to Foreign Nationals for Adoption (2000), that states that poverty of the parents of a child can be a legal ground for adoption;

(d) Ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criteria in all cases involving adoption;

(e) Regulate and monitor the practice of placing children with close relatives or others, to prevent children from being exploited, and to ensure that all their rights, including the right to education and to health care are fully respected.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 425-430.

425. The Committee is concerned at the large number of female-headed households and often limited degree to which fathers assume their parental responsibilities, including on issues related to the recognition and maintenance of the child.

426. The Committee recommends that the State party undertake measures to strengthen the capacity of families and to pay particular attention to the role of fathers, including the recognition and maintenance of the child.

427. The Committee is concerned that increasing emigration by Ecuadorians in recent years has had a negative impact on the exercising of parental responsibilities in the upbringing and

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development of the child.

428. The Committee recommends that the State party undertake all necessary measures to ensure that overseas Ecuadorian workers, equally men and women, are able to meet their parental responsibilities, including through strengthening of bilateral agreements with the countries of destination and the promotion of family reunification and stable family environments for the upbringing of children in accordance with articles 18 and 10 of the Convention. The Committee also encourages the State party to strengthen the provision of child-sensitive family counselling services for overseas Ecuadorian workers and their children.

429. The Committee notes with concern the increasing number of children deprived of their natural family environment due to, *inter alia*, poverty, unemployment and the increasing number of parents migrating to other countries in search of better opportunities, thereby leaving their children behind without proper care and in the custody of relatives or institutions.

430. The Committee recommends that the State party undertake measures to strengthen the family through the provision of adequate financial resources and to the reinforcement of community-based structures for children deprived of their family environment and into line with article 25 of the Convention, conduct periodic reviews of the placement of children, and ensure institutionalization is a last resort.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 485-488.

485. The Committee is concerned that the best interests of the child are not adequately taken into consideration in cases where foreign nationals who have children in Norway are permanently deported as a consequence of having committed a serious criminal offence.

486. The Committee urges the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of their parents.

487. The Committee is concerned at the number of children who have been removed from their families and live in foster homes or other institutions. In this regard, the Committee notes the State party's willingness to review its practices concerning the removal of children from their family environment.

488. The Committee recommends that the State party take measures to address the causes of the rising number of children who are removed from their families, including through adequate support to biological parents. The State encourages the State party to give priority to protecting the natural family environment and ensure that removal from the family and

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placement in foster care or institutions is used only as a measure of last resort when in the best interests of the child.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 546-549.

546. The Committee is concerned at the increasing number of families headed by a single parent and the socio-economic difficulties faced by them, and the often limited degree to which fathers generally assume their parental responsibilities.

547. The Committee recommends that the State party take all necessary measures to provide parents and families with the necessary financial and other support to the extent possible, paying attention to single-parent families and families living in particularly difficult circumstances. With regard to the principle that both parents have responsibilities for the upbringing and development of the child, the Committee endorses the recommendation adopted by the Committee on the Elimination of Discrimination against Women in 2001 (A/56/38, paras. 269-270) urging the State party to develop laws, policies and educational programmes that support and promote the idea of joint parental responsibility.

548. The Committee is concerned at the increasing number of children in institutional care, including children who fled from their homes and were placed in child care centres. Referring to article 25, paragraph 9, of the Family Law, the Committee is of the view that the placement procedures are not fully in conformity with the principles and provisions of the Convention.

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

- (a) Take immediate preventive measures to avoid separation of children from their family environment and to reduce the number of children living in institutions;
- (b) Ensure that the placement of children in institutional care is always assessed by a competent, multidisciplinary group of authorities and that the placement is done for the shortest period of time and subject to judicial review and that it is further reviewed in accordance with article 25 of the Convention;
- (c) Strengthen its efforts to develop the traditional foster-care system by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and other family-based alternative care;
- (d) Provide appropriate assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling

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and community-based programmes for parents.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 626-629.

626. While the Committee notes with appreciation that strengthening the family is an important strategy within the national policy for the comprehensive care of children and adolescents, it is concerned that insufficient financial and other resources have been provided for the implementation of this strategy. Furthermore, while noting that various legislative initiatives are currently under debate in this respect, the Committee is concerned at the lack of an appropriate and comprehensive regulation of family relations, e.g. via a comprehensive Code, as well as at the lack of specialized family courts.

627. The Committee recommends that the State party:

(a) Promote and support responsible parenthood, *inter alia* by providing families with financial allowances when needed;

(b) Approve and implement appropriate regulations of family relations that reflect and incorporate international standards ratified by the State party, such as the Convention on the Rights of the Child, preferably by developing a comprehensive code;

(c) Establish specialized family courts with trained judges and other professionals involved, and ensure that family law practice is accessible to everybody and that family law procedures are conducted without undue delay.

628. The Committee notes with concern the difficulties that some parents and families encounter - such as unemployment, malnutrition and lack of adequate housing - which may cause abandonment or abuse resulting in placement of children in institutions or in adoption.

629. The Committee recommends that the State party undertake - in cases where a child is deprived of her/his family environment - maximum efforts to return the child to the family of origin. If that action is not in the best interests of the child, efforts should be undertaken to place the child in a family-type form of alternative care, with preference for kinship care and to use institutional placement only as a measure of last resort. In case adoption is in the best interests of the child, preference should be given to domestic over inter-country adoption. The Committee recommends in this regard that the State party ensure that its legislation and practice regarding adoption is brought in line with article 21 of the Convention and that it become a party to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption.

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- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 702 and 703.

702. The Committee recognizes the continuum of alternative care services available from PANI for children deprived of a family environment. It is however concerned at the considerable duration of interim placement, which in some cases may last over three years, before the matter is brought before a judge for a decision on the final placement of these children.

703. The Committee recommends that interim placement is done for the shortest period of time and regularly reviewed in accordance with article 25 of the Convention. The Committee further recommends that the matter be brought before a judge at the initial phase of the separation of the child from his or her parents.

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 776-778.

776. The Committee is concerned that existing laws and practice do not reflect article 18 of the Convention, according to which both parents have equal responsibility for the upbringing of their children, e.g. for children born out of wedlock, and that the best interests of the child is not a primary consideration in decisions regarding custody, guardianship and affiliation.

777. The Committee urges that the State party expedite the amendments to the law now under consideration which, according to the information of the delegation, will bring the law in line with the provisions of the Convention. The Committee further recommends that the State party take the measures necessary for the full implementation of the amended law in practice.

778. The Committee further recommends that the State party undertake an in-depth and comprehensive study on the impact of polygamy with a view to finding out whether polygamy has negative consequences on the upbringing and development of the child and, if so, to develop measures to address those negative impacts.