

CHILDREN'S RIGHTS - PUNISHMENT

IV. CONCLUDING OBSERVATIONS

CERD

- Australia, CERD, A/55/18 (2000) 17 at para. 39.

Concern is expressed about the minimum mandatory sentencing schemes with regard to minor property offences. The mandatory sentencing schemes appear to target offences that are committed disproportionately by indigenous Australians, especially juveniles, leading to a racially discriminatory impact on their rate of incarceration. The Committee seriously questions the compatibility of these laws with the State party's obligations under the Convention and recommends that the State party review all laws and practices in this field.

- Rwanda, CERD, A/55/18 (2000) 31 at para. 150.

The State party's efforts to establish a specialized centre for juveniles accused of participating in the genocide is recognized. Concern remains about the detrimental effect of long periods of detention on children. While taking into consideration the very serious and tragic acts of which these juveniles are accused, it is nevertheless recommended that the State party make every effort to reintegrate such juveniles into the community as soon as is possible.

ICCPR

- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at para. 173.

The application of corporal punishment in schools and other institutions is considered to be degrading treatment. Children should be treated with respect for their integrity and teachers should be able to maintain authority without resorting to such primitive measures. The use of flogging and similar punishments in sentencing is not compatible with the Covenant.

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at paras. 324 and 332.

Paragraph 324

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

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Paragraph 332

With respect to article 24 of the Covenant, existing laws concerning the protection of children should be reviewed and amended as necessary to conform with the requirements of the Covenant. In particular, the minimum age for marriage, criminal responsibility, penal sanction and the imposition of the death penalty should be changed to conform with present international standards and the spirit of article 24, paragraph 1, of the Covenant.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at paras. 426 and 434.

Paragraph 426

It is regretted that corporal punishment may still be permitted in certain circumstances in independent schools.

Paragraph 434

Corporal punishment administered to privately funded pupils in independent schools should be abolished.

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

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

- Cyprus, ICCPR, A/53/40 vol. I (1998) 33 at para. 195.

That the age of criminal responsibility is still fixed at seven years, and that marriageable age is defined as the onset of puberty are matters of concern. The Committee reaffirms that corporal punishment is prohibited under the Covenant.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 359.

Provisions of the Penal Law that prescribe an increased number of offences for which the death penalty may be imposed, a lowering of the age to 16 for which a person may be liable to such a penalty, an extension from 2 to 12 days for which a suspect may be administratively detained

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incommunicado, and a definition of "terrorist" or "subversive" activities which lends itself to abuse should be brought into strict compliance with articles 6 and 9 of the Covenant.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at para. 400.

While noting with approval the Nyalali Commission's recommendation to abolish corporal punishment as a judicial sentence, such penalty should also be precluded for offences against prison regulations and children should no longer be subjected to corporal punishment in schools (article 7).

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 87.

The practice (pursuant to article 53 of the Act of 8 April 1965 on the protection of young persons) which entitles the authorities to incarcerate minors for a period of 15 days raises questions not only under article 10 but under articles 7 and 24 as well.

- Poland, ICCPR, A/54/40 vol. I (1999) 65 at para. 358.

The abolition by law of corporal punishment in schools is welcomed. That this change in law is not being implemented fully is of concern.

- United Kingdom of Great Britain and Northern Ireland (Jersey, Guernsey and the Isle of Man), ICCPR, A/55/40 vol. I (2000) 47 at para. 306.

Corporal punishment is not permitted in schools on the Isle of Man as a matter of policy. The adoption of legislation to outlaw corporal punishment (articles 7 and 10) is recommended.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 412 and 413.

Paragraph 412

The continued existence of child labour, the problem of mistreatment of children in some educational institutions, cruel punishment, and the phenomenon of trafficking in children are of concern.

Paragraph 413

The State party must urgently address the issues described above so as to ensure the special protection to which children are entitled under article 24 of the Covenant. Specifically, corporal punishment must be prohibited.

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- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 429.

The abolition of corporal punishment in public and private schools is noted with satisfaction.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(13).

Apart from prohibiting corporal punishment for persons under 18 years of age, the State party is still practising the punishments of flogging and whipping which are cruel and inhuman punishments prohibited by article 7. Sentences of flogging or whipping should immediately be abolished.

ICESCR

- Philippines, ICESCR, E/1996/22 (1995) 30 at para. 113.

Concern is expressed that in the great majority of detention centres, juvenile offenders are detained together with adults, in contravention of international standards. Efforts to redress this situation by the Government to date have been excessively modest.

CAT

- Paraguay, CAT, A/49/44 (1994) 11 at para. 57.

The fact that the practice of torture continues within the police, and that victims of this practice are said to be not only adults, but also minors, are matters of concern.

- Poland, CAT, A/52/44 (1997) 18 at para. 101.

The existence of provisions authorizing the use of physical force, particularly against minors, is deplored.

- Luxembourg, CAT, A/54/44 (1999) 20 at para. 175.

The State party should end, as soon as possible, the practice of placing young offenders, including minors, in the prison for adults.

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- United States of America, CAT, A/55/44 (2000) 31 at paras. 179 and 180.

Paragraph 179

Concern is expressed over the holding of minors (juveniles) with adults in the regular prison population.

Paragraph 180

The State party should ensure that minors (juveniles) are not held in prison with the regular prison population.

CRC

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 38.

With regard to articles 37 and 40, concern is expressed over the fact that there are inadequate safeguards to ensure non-discrimination in the implementation of these provisions of the Convention. The present discretionary procedure of considering the "personality" of the child as a criteria for passing sentence is also of concern. This practice, in its actual application, may often be discriminatory against children living in poverty. The inadequate separation of children from adults in detention and that a child may remain in custody for the excessively long period of 45 days before the legality of his or her detention is decided upon are also matters of concern. The age for legal counselling without parental consent is unclear and practices in this regard may not be in conformity with article 37 (d) of the Convention.

- Sweden, CRC, CRC/C/16 (1993) 16 at para. 57.

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

- Viet Nam, CRC, CRC/C/16 (1993) 18 at paras. 64 and 66.

Paragraph 64

The long periods of imprisonment for delinquent children set forth in national penal legislation are not in conformity with the provisions of article 37 of the Convention and every child alleged to have or accused of having infringed the penal law should have the guarantees envisaged in article 40 of the Convention.

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Paragraph 66

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

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

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

- Egypt, CRC, CRC/C/16 (1993) 24 at para. 106.

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

- Sudan, CRC, CRC/C/20 (1993) 22 at para. 111.

It is hoped that the review of child-related laws will result in the total abolition of flogging.

- Pakistan, CRC, CRC/C/29 (1994) 10 at para. 37.

Certain areas of national legislation are not compatible with the provisions and principles of the Convention, including the punishment of flogging, the death penalty and life imprisonment for children below the age of 18.

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

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

- France, CRC, CRC/C/29 (1994) 17 at para. 102.

Further awareness-raising and educational measures should be undertaken to prevent child abuse and the physical punishment of children.

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

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

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

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

- Spain, CRC, CRC/C/34 (1994) 27 at paras. 139 and 147.

Paragraph 139

Concern is expressed at the wording of article 154 of the Spanish Civil Code which provides that parents "may administer punishment to their children reasonably and in moderation", which may be interpreted to allow for actions in contradiction with article 19 of the Convention.

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Paragraph 147

Law reform should include the review of the language used in legal provisions and, in particular, the revision of article 154 of the Spanish Civil Code stating that parents "may administer punishment to their children reasonably and in moderation", in order to bring it into full conformity with article 19.

- Poland, CRC, CRC/C/38 (1995) 20 at para. 121.

The provisions relating to "juvenile demoralization" are deplorable.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at paras. 218 and 220.

Paragraph 218

The national legal provisions dealing with reasonable chastisement within the family are worrisome. The imprecise nature of the expression of reasonable chastisement as contained in these legal provisions may pave the way for it to be interpreted in a subjective and arbitrary manner. Thus, the legislative and other measures relating to the physical integrity of children are of concern. Of equal concern are the privately funded and managed schools which are still permitted to administer corporal punishment to children in attendance.

Paragraph 220

Certain provisions of the Criminal Justice and Public Order Act 1994 remain of concern. Such provisions provide, *inter alia*, for the possibility of applying "secure training orders" on children aged 12 to 14 in England and Wales. In particular, the ethos of the guidelines for the administration and establishment of Secure Training Centres in England and Wales and the Training Schools in Northern Ireland appears to lay emphasis on imprisonment and punishment and this is of concern.

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 82 and 93.

Paragraph 82

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

Paragraph 93

Penal legislation allowing corporal punishment of children by parents, in schools and in institutions where children may be placed, should be considered for review. In this regard, physical punishment of children in families should be prohibited. In connection with the child's right to physical integrity

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and in the light of the best interests of the child, the possibility of introducing new legislation and follow-up mechanisms to prevent violence within the family should be considered, and educational campaigns should be launched with a view to changing attitudes in society on the use of physical punishment in the family and fostering the acceptance of its legal prohibition.

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

Paragraph 106

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

Paragraph 110

Legislative reform should be considered with a view to ensuring the prohibition of corporal punishment within the family.

- Tunisia, CRC, CRC/C/43 (1995) 24 at para. 133.

As far as protection from ill-treatment is concerned, the social preventive approach should be strengthened and further measures should be undertaken to educate parents about their responsibilities towards their children, including through the provision of family education, which should emphasize the equal responsibilities of both parents and contribute to the prevention of the use of corporal punishment.

- Ukraine, CRC, CRC/C/46 (1995) 11 at para. 75.

The clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment in the family, should be reflected in national legislation. Procedures and mechanisms should be developed to monitor complaints of maltreatment and cruelty within or outside the family. Special programmes should be set up to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, abuse, exploitation, torture or ill-treatment in an environment which fosters the health, self-respect and dignity of the child.

- Germany, CRC, CRC/C/46 (1995) 15 at para. 108.

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Efforts towards changing attitudes should be pursued with a view to eradicating all forms of violence against children, including the use of corporal punishment within the family. In this regard, the ongoing process of reform of the Civil Code and consideration given to the incorporation of an absolute ban on corporal punishment are encouraged.

- Senegal, CRC, CRC/C/46 (1995) 21 at para. 138.

A study on comprehensive law reform should be conducted under the auspices of UNICEF. The principles of the best interests of the child, non-discrimination and participation of children in matters affecting them should be reflected in domestic law. Specific provisions should be included with a view to clearly forbidding female genital mutilation and any form of torture or cruel, inhuman or degrading treatment or punishment, as well as of any form of corporal punishment within the family. Adequate legislative and other measures should also be taken to establish a complaints procedure for children whose fundamental rights have been violated.

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 77.

In the field of the administration of juvenile justice, legal reform should be pursued and should take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles.

See also:

- Ukraine, CRC, CRC/C/46 (1995) 11 at para. 77.
- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 164 and 171.

Paragraph 164

The abandonment of children, the high rate of child headed families and the persistence of corporal punishment, widely envisaged by parents and teachers as an educational measure, are subjects of concern.

Paragraph 171

Legislative measures should be adopted with a view to clearly prohibiting any form of corporal

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punishment.

- China, CRC, CRC/C/54 (1996) 18 at para. 125.

That national legislation appears to allow children between the ages of 16 and 18 to be sentenced to death with a two-year suspension of execution is a concern. The imposition of suspended death sentences on children constitutes cruel, inhuman or degrading treatment or punishment. The Convention prescribes that neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below the age of 18. The aforementioned provisions of national law are incompatible with the principles and provisions of the Convention.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 161, 168, 173 and 187.

Paragraph 161

Of concern is section 7 of the Children's Act which allows parents, members of the family and teachers to beat a child "if it is thought to be in the interest of the child", as well as at the fact that, as recognized in the State party's report, the views of the child are unlikely to be respected. The persistence of such traditional practices and attitudes seriously hampers the enjoyment of the rights of the child.

Paragraph 168

Appropriate measures have not yet been taken to effectively prevent and combat any form of ill-treatment and corporal punishment of children within the family. The absence of adequate legislation and mechanisms designed to ensure the recovery and reintegration of child victims in the light of article 39 of the Convention is also a concern.

Paragraph 173

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

Paragraph 187

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

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United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to: raising the minimum age of criminal responsibility, establishing juvenile courts, enforcing existing legislation, preventing juvenile delinquency, creating alternatives to deprivation of liberty and institutional care, protecting the rights of children deprived of liberty, respecting fundamental rights and legal safeguards in all aspects of the juvenile justice system, and ensuring the full independence and impartiality of the juvenile judiciary. The law permitting the placement of mentally disturbed children in jails should be reviewed as a matter of urgency.

- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 205 and 223.

Paragraph 205

It is of deep concern that national legislation does not prohibit capital punishment or life imprisonment without the possibility of release, as required by the provisions of article 37 (a) of the Convention. Moreover, the absence, in national legislation, of a minimum age for criminal responsibility is a deep concern.

Paragraph 223

A comprehensive public information campaign should be developed and implemented urgently to combat the abuse of children in the family and within society as well as the use of corporal punishment in schools.

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

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

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

The prevalence of the doctrine of children in an irregular situation, which paves the way for the stigmatization and frequent institutionalization and deprivation of liberty of children on the basis of their economic and socially disadvantaged situation, is of concern. The insufficient measures adopted

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to ensure, *inter alia*, that deprivation of liberty is only used as a measure of last resort, that children deprived of liberty are treated with humanity and in a manner which takes into account the needs of persons of their age, as well as that the rights to maintain contact with their families and to due process of law are ensured, are also of concern. Moreover, the high number of institutionalized children and the insufficient measures that have been taken to ensure effective alternatives to institutional care, and to promote their social reintegration are matters of concern.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at para. 151.

Further attitudinal changes in society are required, not only as regards the non-acceptance of corporal punishment and physical and psychological abuse, but also towards greater respect for the inherent dignity of the child.

- Bulgaria, CRC, CRC/C/62 (1997) 7 at para. 54.

All appropriate measures should be taken to prevent and combat corporal punishment, sexual abuse and exploitation and ill-treatment of children, including in institutions and in detention centres. Corporal punishment should be prohibited by civil legislation and appropriate legal measures should be taken to combat sexual abuse and exploitation of children. Cases of abuse should be properly investigated, sanctions applied to perpetrators and publicity given to the decisions taken in those cases. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at paras. 72, 79 and 86.

Paragraph 72

The provision in the Civil Code for "light bodily punishment" as an educative measure within the family and the limitation on the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings are of concern.

Paragraph 79

Deep concern is expressed at the present system of juvenile justice. Of particular concern is the setting of the age of criminal responsibility at 9 years and the treating those of 15 years of age as adults. In this regard, it is regrettable that it was not made clear during the discussion whether the latter means that children above 15 years of age may be sentenced to life imprisonment or detained

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together with adults. Furthermore, concern is expressed at the possibility provided for in article 172 of the Penal Code to sentence children to corporal punishment at the sole discretion of the judge, in particular with regard to the "bad or good character" of the child in determining the penalty to be applied to the child, and at the possible limitations of the right to legal counsel.

Paragraph 86

The provisions for the minimum age of marriage for girls at 15 years, the sentencing of children to corporal punishment, the "light bodily punishment" as an educational measure within the family, and the limitation of the right to legal counsel of children should be abolished as matters of priority.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 118.

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

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

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

- New Zealand, CRC, CRC/C/62 (1997) 38 at para. 243.

Legislation should be reviewed with regard to corporal punishment of children within the family in order to effectively ban all forms of physical or mental violence, injury or abuse.

- Cuba, CRC, CRC/C/66 (1997) 9 at para. 65.

Further measures should be undertaken to protect children from abuse and maltreatment, in particular through the development of a widespread public information campaign for the prevention of corporal

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punishment and bullying of children, whether by adults or by other children.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 90, 101 and 110.

Paragraph 90

The institutionalized use of corporal punishment as a means of discipline, particularly in schools, as well as the absence of a comprehensive law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children are matters of deep concern.

Paragraph 101

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

Paragraph 110

Corporal punishment should be prohibited by law and references to disciplinary measures using physical force, such as caning, should be withdrawn from the Teachers Handbook. Authorities should develop and implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 135, 141, 161 and 169.

Paragraph 135

The various age limits set by law, the lack of a definition of the child, the age of criminal responsibility, which is set at too young an age, the possibility of imposing the death penalty, and/or imprisonment of children 16-18 years of age in ordinary prisons are of deep concern. Also of concern is that many laws are inadequately enforced and that most children's lives are governed by family customs and religious law rather than by State law.

Paragraph 141

The persistence of corporal punishment and its acceptance by the society and instances of violence committed by law enforcement officials against abandoned or "vagrant" children are matters of serious concern.

Paragraph 161

Public awareness campaigns and measures should be developed to provide appropriate assistance to families in carrying out their child-rearing responsibilities with a view, *inter alia*, to preventing domestic violence, prohibiting corporal punishment, and preventing early marriages and other harmful

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traditional practices.

Paragraph 169

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

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

Paragraph 199

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

Paragraph 219

Particular attention should be paid to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law. Training on the relevant international standards should be provided for all professionals involved with the juvenile justice system. For this purpose, technical assistance should be sought from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

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

Paragraph 246

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

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Paragraph 260

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

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

Paragraph 290

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

Paragraph 311

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

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at paras. 47 and 80.

Paragraph 47

The lack of special structures for child victims of abuse and their limited access to justice, the persistence of corporal punishment within the family and its acceptance by the society, and the lack of rehabilitation measures for such children are matters of concern.

Paragraph 80

Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles. Alternatives to institutional care as well as traditional mechanisms of conciliation, as long as the principles and guarantees of the Convention are respected, should be explored. Technical assistance programmes of the Office of the High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations should be sought.

- Australia, CRC, CRC/C/69 (1997) 16 at paras. 104 and 108.

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Paragraph 104

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

Paragraph 108

All appropriate measures, including of a legislative nature, should be taken to prohibit corporal punishment in private schools and at home. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity. Cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation.

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

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

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 175 and 192.

Paragraph 175

The use of corporal punishment by parents and internal school regulations that do not contain provisions explicitly prohibiting corporal punishment are of concern.

Paragraph 192

Further measures should be taken to protect children from abuse and maltreatment, in particular through the development of a widespread public information campaign for the prevention of corporal punishment at home, at school, and in other institutions.

- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at paras. 231 and 238.

Paragraph 231

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

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Paragraph 238

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

See also:

- Luxembourg, CRC, CRC/C/79 (1998) 38 at para. 272.
- Togo, CRC, CRC/C/69 (1997) 39 at paras. 269, 279 and 293.

Paragraph 269

The violations of the rights of the child in detention centres, especially when not separated from adult detainees, the length and conditions of pre-trial detention, the existence of only one judge for minors and one centre specifically for boys in conflict with the law, the lack of access to legal assistance and the inadequacy of existing alternative measures to imprisonment are matters of particular concern.

Paragraph 279

Corporal punishment should be explicitly prohibited by law and information campaigns should be launched to appropriately sensitize adults on the dangers and harms of the practice.

Paragraph 293

A comprehensive reform of the juvenile justice system should be undertaken. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially guaranteeing their separation from adult detainees, reducing the length of pre-trial detention, increasing the number of judges for minors and the number of specific rehabilitation centres for boys as well as for girls in conflict with the law, giving access to legal assistance and promoting alternative measures to imprisonment.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 101.

All appropriate measures, including of a legislative nature, should be taken to prohibit and eliminate the use of corporal punishment within the family. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity. Cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions should be applied to perpetrators and publicity should be given to decisions taken, with due regard to the principle of respect for the child's privacy.

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See also:

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 57.
- Fiji, CRC, CRC/C/79 (1998) 18 at para. 135.

Corporal punishment should be comprehensively prohibited by law and measures should be taken to raise awareness on the negative effects of corporal punishment and to ensure that discipline in schools, families and institutional care is administered in a manner consistent with the child's dignity.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 170, 191 and 194.

Paragraph 170

Current measures have been insufficient to prevent school violence. The frequency and level of violence in schools, especially the widespread use of corporal punishment and the existence of numerous cases of bullying among students, is of concern.

Paragraph 191

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

Paragraph 194

A review of the system of juvenile justice should be undertaken in light of the principles and provisions of the Convention and of other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the establishment of alternatives to detention, the monitoring and complaints procedures and the conditions in substitute prisons.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 254, 263 and 280.

Paragraph 254

The fact that corporal punishment is not prohibited by law within and outside the family is of concern.

Paragraph 263

Of concern is the fact that children aged between 16 and 18 years may be referred to ordinary courts

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

Paragraph 280

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

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

Particular attention should be paid to ensuring that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that alternative care (for example foster families) is provided for children living in prisons with one of their parents. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice should be considered.

- Iraq, CRC, CRC/C/80 (1998) 15 at paras. 77 and 86.

Paragraph 77

All appropriate measures should be taken, including of a legislative nature, with the aim of prohibiting corporal punishment at all levels of society. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.

Paragraph 86

Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for professionals involved with the system of juvenile justice. Technical assistance from, *inter alia*, the Office of the

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United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice, should be considered.

See also:

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

- Bolivia, CRC, CRC/C/80 (1998) 22 at paras. 108 and 117.

Paragraph 108

The wide use of corporal punishment in the family, schools and institutions remains of concern. The possibility of undertaking educational campaigns, which could change societal attitudes towards the use of physical punishment within the family and in schools and institutions, should be considered.

Paragraph 117

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

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 139.

All appropriate measures, including of a legislative nature, should be taken to prohibit corporal punishment in schools, in the family and other institutions, and in society at large. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.

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- Thailand, CRC, CRC/C/80 (1998) 35 at para. 182.

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

- Belize, CRC, CRC/C/84 (1999) 12 at para. 78.

The use of corporal punishment and the non-prohibition of its use by domestic legislation within schools, the family, the juvenile justice and alternative care systems and generally within the society are matters of grave concern. All appropriate measures, including of a legislative nature, should be taken to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.

See also:

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 172.
 - Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at para. 81.
 - Grenada, CRC, CRC/C/94 (2000) 72 at para. 404.
 - United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 243 and 244.
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- Guinea, CRC, CRC/C/84 (1999) 21 at paras. 110 and 126.

Paragraph 110

Measures should be reinforced to raise awareness of the negative effects of corporal punishment and

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to ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity.

Paragraph 126

The insufficient number of facilities for the detention of juveniles and the fact that juveniles are detained with adults are matters of concern. The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles is also of concern. All measures should be taken to fully integrate the relevant international standards in this area into legislation, policies and programmes, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Furthermore, international assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice, should be considered.

See also:

- Benin, CRC, CRC/C/87 (1999) 35 at para. 150.

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 171.

The acceptability of corporal punishment among parents remains of concern. Measures should be reinforced to raise awareness of the negative effects of corporal punishment and to ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity. Alternative disciplinary measures should be developed within the family, at schools and other institutions.

- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 49, 52 and 60.

Paragraph 49

Legislation and policies that allow the use of flogging of children as a disciplinary measure in prisons and its use as a judicial sentence are of concern. Public awareness-raising campaigns should be conducted and legislation and policies should be reviewed in order to eliminate flogging as a judicial sentence and as a disciplinary measure in the prison system.

Paragraph 52

The subjective element involved in legislation that permits a "reasonable degree" of physical chastisement as a disciplinary method, is of great concern. It is of concern that the tolerance of corporal punishment in schools will make it extremely difficult to educate parents about alternative forms of discipline, and there is usually a connection between the social and legal acceptability of

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corporal punishment and the high level of child abuse. Policies and legislation should be reviewed in order to eliminate corporal punishment as a method of discipline. It is further recommended that efforts to educate the public about the negative impact of corporal punishment on the development of the child and the effort to prevent child abuse be increased. The State party is encouraged to seek international assistance and advice on successful examples of how to overcome traditional societal attitudes regarding corporal punishment.

Paragraph 60

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

- Chad, CRC, CRC/C/87 (1999) 45 at paras. 190 and 201.

Paragraph 190

The use of corporal punishment in families, schools and other institutions is of concern. Legislation and policies should be reviewed in order to eliminate corporal punishment as a method of discipline, and to improve enforcement of the legislation banning corporal punishment in schools. Awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity. International assistance and advice should be sought to overcome traditional social and religious attitudes regarding corporal punishment.

Paragraph 201

The conditions faced by children deprived of liberty, particularly children detained with adults without adequate protection from inhumane treatment, and the insufficiency of programmes for the physical and psychological recovery and social reintegration of juveniles are of concern. Plans to build facilities to separate juveniles from adults and to continue training judges should be pursued. All other measures needed to implement the relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, should be taken.

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

Particular attention should be given to ensuring the improvement of the conditions of children living in prisons and detention centres, to developing correctional centres for the rehabilitation of children in conflict with the law, to ensuring that violence is not used by law enforcement officials, to ensuring that deprivation of liberty is used only as a measure of last resort, to guaranteeing prompt access to

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justice for children in pre-trial detention, and to developing alternative measures to deprivation of liberty. Penal policies concerning “property offences” committed by children should be reviewed, and alternative measures should be established to address the needs of children involved in this type of offence.

- Venezuela, CRC, CRC/C/90 (1999) 10 at paras. 50 and 61.

Paragraph 50

The persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces, are of concern. Judicial mechanisms should be used to effectively deal with complaints of police brutality, ill-treatment and the abuse of children. Cases of violence and abuse against children should be duly investigated in order to avoid the impunity of perpetrators.

Paragraph 61

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

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 90-92 and 118.

Paragraph 90

Allegations of the widespread practice of torture and ill-treatment, and conditions amounting to inhuman or degrading treatment of children living in institutions in general and in places of detention or imprisonment in particular - including acts committed by law enforcement officials involving corporal punishment - are of concern.

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Paragraph 91

Appropriate measures should be taken to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts. The Committee endorses the implementation of the recommendations made by the Committee against Torture and the Special Rapporteur on torture with regard to these concerns.

Paragraph 92

Corporal punishment practices in institutions should be monitored and brought to an end.

Paragraph 118

The application of the death penalty and certain corporal punishments, including mutilation, when sentencing children and allegations of summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children, are of concern.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at para. 151.

Measures should be reinforced to raise awareness of the negative effects of corporal punishment and to ensure that alternative forms of discipline are administered in families, schools, and care and other institutions, in a manner that is consistent with the child's dignity. In this connection, counselling and other programmes should be provided for parents, teachers and professionals working in institutions to encourage the use of alternative forms of punishment. In addition, all necessary measures should be taken to ensure the full and effective implementation of the ban on corporal punishment in schools.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 184.

Concern is expressed that domestic legislation, at both the federal and state levels, does not explicitly prohibit the use of corporal punishment in schools. Effective measures, including setting up multidisciplinary treatment and rehabilitation programmes, should be taken to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. Law enforcement should be strengthened with respect to such crimes, adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and the use of corporal punishment at home, in schools and other institutions, should be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. Seeking technical assistance to this effect from UNICEF and international non-governmental organizations is encouraged.

- Mali, CRC, CRC/C/90 (1999) 43 at para. 218.

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

- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 256 and 261.

Paragraph 256

Due attention should be given to ensuring that efforts taken to promptly settle complaints of ill-treatment in youth custodial institutions, through a mediation procedure, will not result in less than thorough investigations.

Paragraph 261

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

- India, CRC, CRC/C/94 (2000) 10 at paras. 70, 77, 111 and 113.

Paragraph 70

With respect to article 37(a) of the Convention, concern is expressed about numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.

Paragraph 77

The State party should take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions. These measures should be accompanied by public education campaigns about the negative consequences of ill-treatment of children. Positive, non-violent forms of discipline should be promoted as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment.

Paragraph 111

Concern is expressed over the administration of juvenile justice in India and its incompatibility with

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

Paragraph 113

The State party should abolish the imposition of the death penalty on persons under 18. The age of criminal responsibility should be raised and it should be ensured that persons under 18 years are not tried as adults. In accordance with the principle of non-discrimination contained in article 2 of the Convention, the Committee recommends article 2(h) of the 1986 Juvenile Justice Act be amended to ensure that boys under 18 years are covered by the definition of juvenile, as girls already are. The 1986 Juvenile Justice Act should be fully enforced. The judiciary and lawyers should be trained and made aware of it. Measures should be taken to reduce overcrowding, to release those who cannot be given a speedy trial and to improve prison facilities as quickly as possible. Regular, frequent and independent monitoring of institutions for juvenile offenders should be ensured.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 149, 150, 161, 162, 205 and 206.

Paragraph 149

While the exclusion of girls from the application of corporal punishment by domestic courts is encouraging, this provision is discriminatory between boys and girls.

Paragraph 150

The State party is urged to extend the prohibition of State sanctioned corporal punishment to boys.

Paragraph 161

Concern is expressed that corporal punishment is widely practiced in the State party and that, in particular, the domestic courts use it in the sentencing of boys under the age of 17.

Paragraph 162

In the light of articles 19, 28(2) and 37(a) of the Convention, legislative and educative measures should be taken to prohibit the use of corporal punishment by the courts, all public officials and in schools, and to consider the prohibition of its use in the family.

Paragraph 205

Concern is expressed about the very poor conditions in prisons and detention facilities. That

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domestic legislation only requires that minors in detention be separated from adults as far as circumstances permit is a concern.

Paragraph 206

The State party is urged to apply domestic requirements that imprisonment be a measure of last resort, particularly given the prevailing conditions in national detention facilities. The State party should strengthen and make use of alternatives to imprisonment.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at paras. 226 and 237.

Paragraph 226

Concern is expressed about the inadequate enforcement of the prohibition on the use of corporal punishment in schools and other institutions and in the penal system. That the practice of physical punishment of children in the home is not expressly prohibited by law and remains regarded as socially acceptable is a concern. The State party should prohibit the use of corporal punishment in the home and take effective measures to enforce the legal prohibition of corporal punishment in schools and other institutions and in the penal system. Educational campaigns for the development of alternative disciplinary measures for children at home, in schools and other institutions should be undertaken.

Paragraph 237

The Committee remains concerned that the new Law on Juvenile Justice (1996) has not yet been fully implemented; that there is an insufficient number of specialized judges; that there is only one specialized centre for children in conflict with the law; that there is a lack of adequate training for the police on the Convention and other relevant international standards; that a large number of children are placed in pre-trial detention; and that the penalties imposed on children in conflict with the law are disproportionately heavy in relation to the nature of the offences. The State party should continue undertaking effective measures to overcome these and other obstacles in fully implementing its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (-9.5(2000))-9.5(45 at)-24.5(par)-9.5(a)1.

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See also:

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 75.
- Peru, CRC, CRC/C/94 (2000) 64 at paras. 375 and 381.

Paragraph 375

Legislative reforms aimed at preventing and combating domestic violence are welcomed. Concern remains that physical and sexual abuse of children - within and outside the family - is a widespread phenomenon in the State party. In light of articles 3, 6, 19, 28(2) and 39 of the Convention, it is recommended that the State party continue taking effective measures to prevent and combat abuse and ill-treatment of children within the family, at school and in society at large, including through setting up multidisciplinary treatment and rehabilitation programmes. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice; and the use of corporal punishment at home, in schools and other institutions be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue.

Paragraph 381

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

- (a) Ensure that deprivation of liberty is used only as a measure of last resort;
- (b) Improve the living conditions of children in prisons and other detention centres;
- (c) Strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;
- (d) Develop effective probation services for juveniles, in particular those who are released from detention centres, in order to support their reintegration in society;
- (e) Develop alternative measures to deprivation of liberty; and

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- (f) Strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

See also:

- Colombia, CRC, CRC/C/100 (2000) 64 at para. 395.
- Grenada, CRC, CRC/C/94 (2000) 72 at para. 412.

It is recommended that the State party:

- (a) Take additional steps to implement a juvenile justice system in conformity with the Convention;
- (b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system; and prohibit and eradicate the use of corporal punishment (whipping) in the juvenile justice system;
- (c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (d) Consider seeking technical assistance from, *inter alia*, the OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

See also:

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 455.
- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 421, 434 and 441.

Paragraph 421

The State party's initiatives within the school environment are appreciated. In this regard, the Committee welcomes the enactment of the South African Schools Act (1996) which has led to the abolition of corporal punishment in schools.

Paragraph 434

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While recognizing the efforts of the State party to train the police on the treatment of detainees and the non-use of unnecessary force, concern is expressed about the high incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. All appropriate measures should be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. Furthermore, greater efforts should be made to prevent police brutality and ensure that child victims are provided adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.

Paragraph 441

While corporal punishment is prohibited by law in schools, care institutions and the juvenile justice system, concerns remain corporal punishment is still permissible within families and that it is still regularly used in some schools and care institutions as well as generally within society. Effective measures should be taken to prohibit by law corporal punishment in care institutions. The State party should reinforce measures to raise awareness on the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention. It is also recommended that the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 50, 51 and 74.

Paragraph 50

In light of articles 6 and 37(a) of the Convention, the Committee is seriously disturbed at the applicability of the death penalty for crimes committed by persons under 18 and emphasizes that such a penalty is incompatible with the Convention.

Paragraph 51

Immediate steps should be taken to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.

Paragraph 74

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

See also:

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 401 and 402.

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- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 118, 119, 144 and 145.

Paragraph 118

It is noted that corporal punishment in schools is prohibited by law and that there is an intention also to prohibit its use within the family. That this type of punishment continues to be used in schools, families and care institutions is a concern.

Paragraph 119

Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment, within the family, the schools and care institutions. Public awareness campaigns should be conducted to promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in families, schools and care institutions.

Paragraph 144

Concern is expressed at the increasing number of children in conflict with the law and the limited measures taken by the State party to address their concerns. In particular, the following is noted:

- (a) The absence of adequate legislation on juvenile justice, as well as the inconsistency of the juvenile justice system with the Convention and other relevant United Nations standards;
- (b) The poor conditions of juvenile detention facilities, including the lack of adequate food, clothing, heating, educational opportunities and leisure activities for child detainees;
- (c) The inadequate facilities for children in conflict with the law; the insufficient numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

Paragraph 145

The State party should:

- (a) Take all appropriate measures to implement a juvenile justice system that is in conformity with the Convention;
- (b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children deprived of their liberty remain in contact with their families;
- (c) Take all appropriate measures to improve the situation of children in juvenile detention

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facilities, including their access to adequate food, clothing, heating, educational opportunities and leisure activities;

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

See also:

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

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 262 and 263.

Paragraph 262

Concern is expressed that responses by the State party to children who commit crimes often focus either uniquely on child welfare action or, for children over 15, on responses appropriate for adult offenders, with insufficient emphasis being placed on the preventive and rehabilitative aspects of juvenile justice.

Paragraph 263

Efforts should be pursued to ensure that the best interests of the child are a primary consideration in the context of juvenile justice proceedings, giving greater consideration to the need for prevention and rehabilitation of child offenders.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 395 and 396.

Paragraph 395

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

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Paragraph 396

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

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 426 and 427.

Paragraph 426

While the use of corporal punishment in schools has been prohibited and the draft Children Act includes a prohibition on physical punishment, concerns remain about the fact that corporal punishment and “reasonable chastisement” in the home are not legally banned.

Paragraph 427

All effective measures should be taken, including legal ones, to include an explicit prohibition on the use of corporal punishment in the home; to ensure that this prohibition is adequately monitored and enforced, both at home and in the schools; and to promote positive, non-violent forms of discipline as an alternative to corporal punishment in the home.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 63 and 64.

Paragraph 63

Although the State party was the second State in the world to prohibit all corporal punishment of children in the family in its Child Custody and Rights of Access Act of 1983, concern is expressed about the number of cases of violence against children, including sexual abuse in their homes.

Paragraph 64

The State party should consider taking additional measures to prevent and, where this has not been possible, to identify in a timely manner instances of violence against children within families, to intervene at an early stage, and to develop child-friendly programmes and services for prevention, treatment and rehabilitation with personnel specially trained to work with children.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 125, 126, 158 and 159.

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Paragraph 125

That corporal punishment continues to be practised at home and in some schools and that domestic legislation does not prohibit its use is of concern.

Paragraph 126

All appropriate measures should be taken, including legislation, information campaigns and the promotion of alternative forms of sanctions which respect the physical and mental integrity of children, to end corporal punishment within the family, schools, juvenile justice and alternative care.

Paragraph 158

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

Paragraph 159

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

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 190, 191, 204 and 207.

Paragraph 190

While noting that the Education Bill 2000 will prohibit the use of corporal punishment in schools and that the Criminal Justice Bill 2000 will prohibit its use within the juvenile justice system, the Committee is gravely concerned that corporal punishment is still practised and widely accepted in the Isle of Man.

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Paragraph 191

Efforts to prohibit by law and eliminate the use of corporal punishment in schools, care institutions and the juvenile justice system should be reinforced. All appropriate measures should be taken to prohibit the use of corporal punishment in the home. In this context, awareness raising and education campaigns should be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28(2).

Paragraph 204

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

- (a) The attempts to shorten the length of time before the hearing of juvenile cases; the adequacy of facilities for children in conflict with the law, including girls; and the availability of trained personnel to work with children in this regard;
- (b) Adequate access to education, health, counselling and other rehabilitative services; and the availability of a complaints mechanism for children whose rights have been violated.

Paragraph 207

Efforts should be reinforced to enact the Criminal Justice Bill 2000, which will prohibit by law the imposition of corporal punishment as a sentence by the Island's courts.

See also:

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) at paras. 263 and 265.
- Colombia, CRC, CRC/C/100 (2000) 64 at para. 394.

Note is taken of the fact that prisons for children have been closed and that re-education centres for children in conflict with the law have been established. Concerns remain about the situation of children placed in these centres, in particular regarding their long-term placement, which constitutes a form of deprivation of liberty; that deprivation of liberty and isolation of juveniles are systematically used in police stations; that juvenile courts use measures of confinement not as a measure of last

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resort; at the lack of alternative measures to the use of deprivation of liberty (e.g. assisted liberty); and at the insufficient re-education and rehabilitation measures for juvenile offenders.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 441, 442, 473 and 474.

Paragraph 441

Concern is expressed about incidents of police brutality and corporal punishment committed against children, notably in Bangui.

Paragraph 442

All acts of violence against children should be ended, including corporal punishment, committed by, among others, members of the police forces. The State party should provide child rights training programmes for police and detention officials.

Paragraph 473

The limited progress achieved in establishing a functioning system of juvenile justice throughout the country is of concern. In particular, concern is expressed about the small number of juvenile courts, none of which is outside Bangui, the detention and imprisonment of juveniles with adults and the absence of assistance towards the rehabilitation and reintegration of juveniles following justice proceedings.

Paragraph 474

The State party should pursue its efforts to train judges in juvenile justice and such training should be extended to other law enforcement officials, including police and prison personnel. Every effort should be made to separate children from adults in detention and prison facilities and to establish a programme of rehabilitation and reintegration of juveniles following justice proceedings. Juvenile courts should be established at all prefectures and the State party should seek international assistance in the area of juvenile justice from, among others, OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 539 and 540.

Paragraph 539

While acknowledging the existence of a Juvenile Procedure Act and the important fact that professionals working in the juvenile justice system have received training on the provisions of the Convention, concerns remain that the juvenile justice system is not fully in compliance with the Convention. This applies in particular to the failure to separate juvenile and adult prisoners and the use of the concept of status offences which punishes behaviour by a child that would not be

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punishable if committed by an adult.

Paragraph 540

It is recommended that the State party review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, with a view to abolishing status offences, ensuring child-friendly practices at the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. The State party is encouraged expeditiously to complete the building of the prison facility that will allow for the separation of juvenile and adult prisoners.

- Slovakia, CRC, CRC/C/100 (2000) 100 at para. 575.

In light of articles 19 and 39 of the Convention, the State party should ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions, are prohibited. Attention should be given to ensuring that the abused child is not victimized in legal proceedings; strengthening programmes for the rehabilitation and reintegration of abused children; and addressing sociocultural barriers that inhibit victims from seeking assistance. The State party should continue to undertake public education campaigns about the negative consequences of ill-treatment of children, including within the family. The State party should continue to promote the use of the hotline and other mechanisms to receive complaints throughout the country.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 628 and 629.

Paragraph 628

Insufficient awareness regarding the harmful consequences of ill-treatment and abuse of children, including sexual abuse, both within and outside the family is a concern. The fact that the practice of corporal punishment in the home is socially and legally accepted, particularly for boys is also of concern, as is the practice of corporal punishment in Koranic schools.

Paragraph 629

Effective measures should be taken to prevent and combat child abuse and ill-treatment of children within the family, at school and in other institutions, and in society at large. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. In particular, the State party should include in its legislation a specific prohibition on the use of corporal punishment within the family and at school.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 54, 55, 72 and 73.

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Paragraph 54

While noting that the Law on the Protection of the Rights of the Child of 1998 explicitly prohibits corporal punishment, concern is expressed about the still widespread use of corporal punishment, in particular within the family and in school and other institutions.

Paragraph 55

In light of articles 19 and 28(2) of the Convention, measures should be developed to raise awareness on the harmful effects of corporal punishment and to promote alternative forms of discipline in families, to be administered in a manner consistent with the child's dignity and in conformity with the Convention. The effective enforcement of the ban on corporal punishment in school and other institutions is recommended.

Paragraph 72

The juvenile justice system is not fully in compliance with the Convention and the justice system as a whole is not efficient. In particular, concern is expressed about reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded. That juvenile offenders are being kept in adult prison facilities and that there are no programmes for their rehabilitation and reintegration into society are also matters of concern.

Paragraph 73

The State party should review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, with a view to ensuring child-friendly practices by the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. In particular, the State party is reminded that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to detention should be used whenever possible. The State party should incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system.

See also:

- Lithuania, CRC, CRC/C/103 (2001) 47 at para. 308.

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 110 and 111.

Paragraph 110

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With regard to the administration of juvenile justice, concern is expressed about the lack of disaggregated statistics on the types of offences with which minors are generally charged, as well as on the average length of sentences and pre-trial detention. Concern is also expressed regarding the insufficient information concerning the practice and procedure of monitoring the situation of children who, owing to the lack of facilities in the State party, are in detention in Austria.

Paragraph 111

The State party should pay close attention to the practice of juvenile justice through, *inter alia*, the systematic collection of disaggregated data and monitoring, particularly with respect to the children in detention in Austria. All additional appropriate measures should be taken to ensure full compatibility with the Convention.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 144, 145, 154, 155, 192 and 193.

Paragraph 144

The very low legal minimum age of criminal responsibility (9 years) is of concern. That children aged 15 to 18 are effectively considered to bear the same criminal responsibility as adults, albeit lesser penalties are applied to them than are applied to adults, is of concern.

Paragraph 145

The minimum age of criminal responsibility should be raised and it should be ensured that children aged 15 to 18 years are accorded the protection of juvenile justice provisions and are not treated as adults. The State party should take advantage of the ongoing review of the Penal Code to introduce relevant changes to the law.

Paragraph 154

The Ministry of Education's interim measures prohibiting the use of corporal punishment in schools is noted. Concerns remain that, in practice, corporal punishment remains common in schools and in the context of the family.

Paragraph 155

In the light of article 28(2) of the Convention, the State party should permanently prohibit all forms of corporal punishment, including in the context of school and the family, *inter alia*, through the enforcement of appropriate legislation, through awareness raising activities for parents, teachers and other relevant groups and through the training of teachers in alternative disciplinary sanctions which are not harmful to children. For this purpose, the State party should consider taking advantage of the current drafting of a new penal code. Children should be provided with mechanisms through which they can report and complain of corporal punishment practices.

Paragraph 192

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The weaknesses in the administrative and judicial infrastructure are of concern. There is currently only one juvenile justice court in the country and only one remand home for child offenders, both in the capital city. It is noted that adult criminal courts are used to try juvenile cases. Concern is expressed that the full range of protections provided by international juvenile justice standards may not be fully available in such instances. Further concern is expressed about the fact that children are not separated from adults while in detention and that children aged 15 to 18 may not benefit from all the protections afforded by relevant juvenile justice standards and may, under the current legislation, be sentenced to the death penalty or to life imprisonment.

Paragraph 193

The State party should conduct a review of its juvenile justice practices. Additional juvenile justice courts should be established in different regions of the country. To the extent that adult criminal courts are used to try juveniles, judges and other relevant officials should be provided with juvenile justice training. The capacity of correctional facilities to provide for children should be increased in order to meet minimum standards defined in international instruments. Measures should be implemented to ensure that children are detained and imprisoned only as a measure of last resort, for the minimum time possible and in separate facilities from those used for adults. The Penal Code should be amended to ensure that all children, including those aged 15 to 18, benefit from the protections afforded by international juvenile justice standards and to ensure that children under 18 years of age cannot be sentenced to the death penalty or to life imprisonment.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 232 and 233.

Paragraph 232

In light of articles 19 and 39 of the Convention, concern is expressed at the incidence of ill-treatment of children in schools despite its prohibition, and within the family.

Paragraph 233

Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools, and in care institutions. These measures should be accompanied by public education campaigns about the negative consequences of ill-treatment of children, and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and State mechanisms need to be established to: receive complaints in a child-friendly manner; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment is recommended. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance.

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See also:

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 60 and 61.
 - Jordan, CRC, CRC/C/97 (2000) 31 at para. 188.
 - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 307.
 - Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 409 and 410.
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- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 276, 277 and 304-307.

Paragraph 276

Concern is expressed about the widespread use of corporal punishment, in particular within the family and in institutions, due to the generally tolerant attitude towards this practice.

Paragraph 277

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

Paragraph 304

It is noted that procurement for the purpose of prostitution is punished only in cases involving girls and that some legal provisions result in the administrative punishment of children involved in commercial sexual exploitation.

Paragraph 305

The State party is encouraged to abolish every legal provision that results in administrative or other punishment of the victims of commercial sexual exploitation and to prevent other forms of stigmatization of the victims, and to penalize procurement for the purposes of prostitution involving all children, boys as well as girls.

Paragraph 306

While noting the Juvenile Justice Programme, concern is expressed that the juvenile justice system is not fully in compliance with the Convention and that the juvenile crime rates and the number of criminal juvenile offenders are increasing. In particular, concern is expressed about reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded. The fact that there are no programmes for the rehabilitation and reintegration of juvenile offenders into society is a matter of concern.

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Paragraph 307

The State party should continue reviewing its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, with a view to ensuring child-friendly practices by the police and at all levels of the juvenile justice system. The State party should continue supporting the Juvenile Justice Programme, in particular its preventive aspect, with adequate financial and human resources, including professionals such as social workers and psychologists.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 341, 342, 347 and 348.

Paragraph 341

While noting that corporal punishment is prohibited by law in schools, concerns remain that the practice continues to be widespread in schools and in the family, in the care and juvenile justice systems and generally in society. It is noted with concern that corporal punishment of children is accepted among the public at large.

Paragraph 342

Legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions should be implemented. Prohibiting corporal punishment in the family should also be considered. In addition, the State party should raise awareness of the negative effects of such punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention. The use of alternative disciplinary measures should be promoted, in accordance with the principles and provisions of the Convention.

Paragraph 347

It is of deep concern that Juvenile Training Centres are used by courts to detain children for "welfare and education" under the Children's Protection Act No. 6 of 1980, even though these children have not committed any criminal offence. It is noted with concern that some parents choose to send their children to such institutions as a way of disciplining them. Such detentions do not appear to be monitored. It is noted with concern that children are usually detained with others who have been detained in the context of criminal justice procedures.

Paragraph 348

The practice of using the Juvenile Training Centres to detain children as a form of alternative care should end. The State party should develop other alternative care systems, including foster care, and it should provide additional training for social and welfare workers. Independent complaint and monitoring mechanisms should be established for alternative care institutions.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 407, 408, 415 and 416.

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Paragraph 407

In light of article 37(a) of the Convention, serious concern is expressed that while in detention, persons under 18 may be subjected to corporal punishment, such as flogging, under article 28 of the 1977 Detention and Imprisonment Regulations. It is disturbing that persons who committed crimes when they were under 18 may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities. The application of such measures is incompatible with the Convention. Concern is expressed that members of the Committees for the Propagation of Virtue and the Prevention of Vice routinely harass and assault persons under 18 for dress code infractions.

Paragraph 408

All necessary steps should be taken to end the imposition of corporal punishment, including flogging and other forms of cruel, inhuman or degrading treatment and punishment, on persons who may have committed crimes when they were under 18. Law enforcement officials should respect and protect human dignity and maintain and uphold the human rights of all persons in the course of their duties.

Paragraph 415

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

Paragraph 416

The State party should establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention. The State party should expedite the promulgation of a criminal code and a code of criminal procedure. Particular attention should be paid to ensure that: deprivation of liberty is only used as a measure of last resort; children have access to legal aid and independent and effective complaints mechanisms; and persons under 18 are not detained with adults.

See also:

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 58 and 59.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 509 and 510.

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Paragraph 509

The clear legislative prohibition of all forms of torture is noted. However, concern is expressed about the persistent allegations that children are detained in conditions which amount to cruel, inhuman or degrading treatment, and that children are being physically ill-treated by members of the police force.

Paragraph 510

In the light of article 37 and other related articles of the Convention, judicial mechanisms should be used effectively to deal with complaints of police brutality, ill-treatment and abuse of children, and cases of violence against and abuse of children should be duly investigated in order to avoid impunity for the perpetrators. Ratification of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment should be considered.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 38 and 72

Paragraph 38

It is noted with satisfaction that in 1997 the right of parents to use corporal punishment on their children was abolished by law. Further satisfaction is expressed at the nationwide awareness raising campaign undertaken to inform parents about the new legislation. Furthermore, note is taken of the efforts to include material in minority languages as a follow-up to the campaign.

Paragraph 72

While efforts in the area of juvenile justice are noted, concern remains that children between the ages of 15 and 17 years may be held in adult detention facilities and kept in solitary confinement.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 127, 128 and 145-147.

Paragraph 127

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

Paragraph 128

In the light of articles 3, 19 and 28(2) of the Convention, the State party is encouraged to develop measures to raise awareness of the harmful effects of corporal punishment and to promote alternative forms of discipline in families that are administered in a manner consistent with the child's dignity and

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in conformity with the Convention. The ban on corporal punishments in schools and other institutions should be enforced effectively.

Paragraph 145

The major discrepancies between domestic legislation concerning juvenile justice and the principles and provisions of the Convention remain of deep concern. In particular, it is noted with concern that the minimum legal age for criminal responsibility is 11 and that the Juvenile Courts Law covers children only between the ages of 11 and 14, while children between 15 and 18 are subject to the Penal Law. It is also noted with concern that even children between 11 and 14 may not be subject to the Juvenile Courts Law if they are accused of having committed a crime falling under the jurisdiction of State security courts or military courts or if they live in areas under a state of emergency. The fact that detention is not used as a measure of last resort and that cases have been reported of children being held *incommunicado* for long periods are matters of deep concern. Concern is further expressed about the long periods of pre-trial detention and the poor conditions of imprisonment and at the fact that insufficient education, rehabilitation and reintegration programmes are provided during the detention period.

Paragraph 146

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

Paragraph 147

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

See also:

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

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- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 187, 188, 223 and 224.

Paragraph 187

In the context of article 19 of the Convention, it is of concern that the corporal punishment of children is permitted under domestic legislation and continues to be practised in State institutions, including schools and places of detention, and in the family.

Paragraph 188

All appropriate measures, including of a legislative nature, should be taken to prohibit and eliminate all forms of corporal punishment in schools and in homes. It is further suggested that awareness-raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28(2).

Paragraph 223

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

Paragraph 224

The implementation of a comprehensive reform of the administration of juvenile justice is recommended. The State party should adopt appropriate amendments to domestic legislation with regard to juvenile justice, with a view to ensuring full compliance with the Convention and other international standards. Appropriate training should be provided for, among others, judges and lawyers. The State party should proceed with its intention to broaden the range of possible sanctions so that deprivation of a child's liberty is used only as a measure of last resort. Improvements should be made to conditions in places of detention and imprisonment in which children are held. It is urged that the application of juvenile justice provisions be guaranteed to all persons aged under 18, in

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accordance with international standards. In particular, the State party is urged to ensure respect for article 37(a) of the Convention and that no person under 18 is sentenced to the death penalty or life imprisonment without possibility of release. It is also urged that, in keeping with the ban on the recruitment of children as soldiers, no child be tried by a military tribunal.

See also:

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 513 and 514.
- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 56 and 57.

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

Paragraph 283

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

Paragraph 284

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

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 307, 308 and 350.

Paragraph 307

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While noting the various proposals currently under discussion, concern is expressed about the disparity between the age of majority in civil matters (21 years) and in penal matters (18 years). The minimum age for criminal responsibility (10 years) is too low.

Paragraph 308

Legislation should be reviewed with a view to eliminating all disparities regarding minimum-age requirements, and greater efforts should be made to enforce the requirements.

Paragraph 350

The State party should consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty and monitor their conditions of detention; and ensure that children remain in regular contact with their families while in the juvenile justice system.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 374-377, 390, 391 and 419.

Paragraph 374

The various legal minimum ages, which are inconsistent, are discriminatory and/or too low.

Paragraph 375

The necessary legislative measures should be taken to increase the legal age for criminal responsibility.

Paragraph 376

It is of concern that the law does not explicitly prohibit the use of the death penalty or life imprisonment for children below the age of 18 years.

Paragraph 377

The State party is strongly encouraged to establish by law the prohibition of the use of the death penalty and life imprisonment for children below the age of 18 years.

Paragraph 390

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

Paragraph 391

Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment within the juvenile justice system, schools and care institutions as well as in

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families. The State party is encouraged to intensify its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

Paragraph 419

The State party should use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; improve the conditions in detention facilities; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system. The State party should also abolish corporal punishment as a sentence within the juvenile justice system.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 462, 463, 484 and 485.

Paragraph 462

Noting the respect for children in Bhutan, concern is expressed that there is insufficient information and awareness of the ill-treatment of children in schools and within the family.

Paragraph 463

The State party should conduct a study to assess the nature and extent of ill-treatment of children, and design policies and programmes to address it. Legislative measures should be taken to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools, and in institutions. Public education campaigns should be carried out about the negative consequences of ill-treatment of children and should promote positive, non-violent forms of discipline as an alternative to corporal punishment. The State party should also establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary; prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings; and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases. The State party should seek assistance from, among others, UNICEF and WHO.

Paragraph 484

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

Paragraph 485

The State party should:

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

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

See also:

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