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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 to the State party to 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 are recognized. Concern remains about the detrimental effect upon children of long periods of detention. 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.

- Spain, CERD, A/55/18 (2000) 34 at para. 164.

It is noted with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs.

ICCPR

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at para. 606.

Segregation of juvenile offenders is required under the Covenant, as is compliance with strict standards for male and female offenders.

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

It is of concern that in a number of key areas children are not adequately protected under the terms of existing legislation. In particular, it is of concern that 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.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at para. 281.

The provisions in the legislation of a number of states which allow the death penalty to be pronounced for crimes committed by persons under 18 and the actual instances where such sentences have been pronounced and executed is deplored.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at para. 329.

Measures for juveniles should be appropriate to their needs and status.

- Latvia, ICCPR, A/50/40 vol. I (1995) 62 at para. 347.

The apparent non-separation of accused persons from convicted persons and juveniles from adults is a matter of concern.

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at para. 117.

It is of particular concern that punitive measures, such as solitary detention, may be imposed on juvenile detainees.

- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at para. 205.

Provisions in the Penal Code which fix eight years as the age of criminal responsibility and permit children to be charged jointly with adults to be tried in the ordinary criminal courts appear to be incompatible with article 14, paragraph 4, and article 24 of the Covenant.

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- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at para. 347.

The credible and well substantiated reports of ill-treatment of prisoners, serious overcrowding of prisons, and the lack of clear segregation of minors and of adults, convicted detainees and those awaiting trial, continue to be matters of concern.

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

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

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 435.

The State party should abolish by law the imposition of the death penalty on minors and limit the number of offences carrying the death penalty to the most serious crimes, with a view to its ultimate abolition.

- 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. Furthermore, the practice of not separating minors from adult offenders in jail is not only incompatible with article 10, paragraph 3, but constitutes a violation of article 24 of the Covenant.

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

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

See also:

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

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

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

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 397 and 398.

Paragraph 397

Concern remains about inhuman prison conditions. This is characterized by overcrowding, inadequate food and medical care, and by the fact that convicted persons are frequently not kept segregated from the accused and that juvenile offenders are frequently detained in the same detention centres as adults (art. 10).

Paragraph 398

Measures must be taken to improve prison conditions and to ensure that juveniles are detained in segregated centres. The State party must ensure that all persons deprived of their liberty are treated with humanity and respect for their inherent dignity.

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

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

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

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

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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.

- Georgia, ICESCR, E/2001/22 (2000) 30 at para. 90.

It is of concern that the number of children begging in the streets is on the increase and that many of them are drawn by adults into various types of criminal activity.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 186 and 205.

Paragraph 186

There is concern that the age of criminal responsibility is set at the young age of 7 years.

Paragraph 205

The laws should be amended to raise the age of criminal responsibility so as to ensure the rights of the child under article 10 of the Covenant.

CAT

- 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

Minors (juveniles) should not be held in prison with the regular prison population.

- Bolivia, CAT, A/56/44 (2001) 40 at para. 95.

Concern is expressed about information received regarding the inhuman conditions under which prisoners are held in the facilities known as *carceletas* in the Chapare area, Santa Cruz, Cochabamba and other cities in which, in addition to the illegal nature of the so-called "legal deposit" imprisonment which does not exist in domestic law, detainees are held in subhuman conditions for indeterminate periods, sometimes lasting several months, and where juvenile and adult detainees are held together, as are prisoners awaiting trial and those already serving sentences.

CRC

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

Paragraph 38

With regard to articles 37 and 40, concern is expressed over the fact that there are not adequate safeguards to ensure non-discrimination in the implementation of these provisions of the Convention. The present discretionary procedure of considering the "personality" of the child as a criteria for passing sentences 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 is also of concern. The age for legal counselling without parental consent is unclear and practices in this regard may not be in conformity with article 37 (d) of the Convention.

Paragraph 43

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

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

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

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

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

Paragraph 100

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

Paragraph 106

Adequate protection should also 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 its role into society be taken into account. Deprivation of liberty should always be envisaged as the very last resort, and particular attention should be paid to rehabilitation measures, psychological recovery and social reintegration. Furthermore, deprivation of liberty in social care institutions should be regularly monitored by a judge or an independent body.

- Peru, CRC, CRC/C/20 (1993) 16 at para. 63.

It is deplorable that, under Decree-Law No. 25564, children between 15 and 18 years of age who are

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suspected of being involved in terrorist activities do not benefit from safeguards and guarantees afforded by the system of administration of juvenile justice under normal circumstances.

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

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

- Pakistan, CRC, CRC/C/29 (1994) 10 at paras. 37 and 56.

Paragraph 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.

Paragraph 56

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

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

The sanctions set forth in 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.

- 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, whereby, 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. Further, 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.

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- 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.

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

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

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

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

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 50.

The absence of measures to create a juvenile justice system moulded to the needs and protecting the rights of children is noted. In this regard, it is of concern that as mechanisms for alternative treatment are lacking, the system currently in place appears to be unable to respond to the needs of children below the age of 15 who have behavioural problems. Similarly, with respect to the situation of 15- to 18-year-olds who find themselves involved with the administration of justice system, there appears to be an absence of alternative measures to detention for such children and to difficulties in ensuring the separation of juveniles from adults in prisons. The information contained in the State party report which highlights the problems associated with the lack of sufficient training in children's rights of law enforcement officials, and which has contributed to infringements of the rights of the child being committed, is also noted.

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- Belgium, CRC, CRC/C/43 (1995) 20 at para. 106.

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

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at para. 156.

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

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 76 and 77.

Paragraph 76

Consideration should be given to the possibility of transferring the supervision of correctional labour colonies for juveniles from the Ministry of the Interior to the structure that may be considered to be the most appropriate to ensure the promotion and protection of children's rights

Paragraph 77

The current legal reform should fully take into account the Convention, and other relevant international standards in this field should be seen as a guide in this revision. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and the full independence and impartiality of the juvenile judges. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice, in particular judges, law enforcement officials, correctional officers and social workers.

- Senegal, CRC, CRC/C/46 (1995) 21 at para. 125.

The lack of a minimum age below which children are presumed not to have the capacity to infringe penal law is noted with concern.

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- Yemen, CRC, CRC/C/50 (1996) 9 at paras. 32, 35, 39 and 46.

Paragraph 32

Concern is expressed about the lack of conformity of legislative provisions with respect to the legal definition of the child, as is the case of the minimum age for marriage and the age of criminal responsibility, which are set at too low an age level.

Paragraph 35

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

Paragraph 39

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

Paragraph 46

Special protection measures should be adopted and implemented in relation to refugee children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children forced to live and/or work in the streets, including child beggars. In this regard, the State party is encouraged to take into consideration the recommendations it has formulated at its thematic discussions, including on the economic exploitation of the child and the administration of juvenile justice.

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

Paragraph 65

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

Paragraph 77

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

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juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 101.

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

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 167 and 180.

Paragraph 167

Concern is expressed about the existing juvenile justice system and its lack of compatibility with the Convention, including articles 37, 39 and 40.

Paragraph 180

The State party should envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, 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 consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of liberty, 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.

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

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

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

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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. 173 and 187.

Paragraph 173

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

Paragraph 187

In the field of juvenile justice, legal reform should be pursued and should take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to raising the minimum age of criminal responsibility, the establishment of juvenile courts, the enforcement of existing legislation, the prevention of juvenile delinquency, alternatives to deprivation of liberty and institutional care, the protection of the rights of children deprived of liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system, and 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, 214, 216 and 230.

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.

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Paragraph 214

The system of irregular behaviour (*conducta irregular*) in the juvenile justice system is a serious concern. The lack of specialized training of professionals working in the field of juvenile justice, which hampers efforts to ensure the independence of the judiciary and the capacity of the system to effectively investigate crimes committed against children and undermines measures to eradicate impunity is also a concern.

Paragraph 216

Legislative measures should be undertaken to ensure that national legislation conforms with the provisions of articles 37 and 40 of the Convention, including establishing a minimum age of criminal responsibility.

Paragraph 230

The State party is urged to apply the principles and provisions of the Convention in the area of juvenile justice, rather than the provisions of the national legislation which are in contradiction with the Convention, in particular those relating to the system of "irregular behaviour". It is recommended that the juvenile justice system be revised to ensure that it is compatible with the principles and provisions of the Convention, including articles 37, 39, and 40, as well as other relevant international instruments in the field.

- Nigeria, CRC, CRC/C/57 (1996) 12 at paras. 74 and 76.

Paragraph 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.

Paragraph 76

The conditions in places of detention for children, especially with regard to children's access to their parents, the medical services and educational programmes offered and the services in place to facilitate the recovery and rehabilitation of children are of serious concern. Equal concern is expressed about the inappropriateness and ineffectiveness of measures for the supervision and monitoring of the situation of children in detention, including for dealing with children's complaints of abuse or ill-treatment, and the lack of measures to ensure that these complaints are addressed in a serious and

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expeditious manner.

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

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

- Bulgaria, CRC, CRC/C/62 (1997) 7 at paras. 38 and 58.

Paragraph 38

Cases of ill-treatment of children by law enforcement personnel in or outside detention centres are a very grave matter of concern, even if they are isolated cases.

Paragraph 58

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

- Ethiopia, CRC, CRC/C/62 (1997) 12 at paras. 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 of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings is of concern.

Paragraph 79

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

A comprehensive reform of the juvenile justice system should be envisaged, in the spirit of the Convention and other UN standards in this field. 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 the 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.

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

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Paragraph 135

The lack of conformity between existing legislation and the Convention with regard to 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 and 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 169

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

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

Paragraph 199

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

Paragraph 219

A comprehensive reform of the juvenile justice system should be undertaken, in the spirit of the Convention and of other UN standards in this field. 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.

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Paragraph 246

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

Paragraph 260

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

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

Paragraph 290

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

Paragraph 311

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

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at paras. 56 and 80.

Paragraph 56

The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention and other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern. The lack of a legal framework for the administration of juvenile justice, the grounds for arrest and detention of children that can include prostitution, the absence of specialized judges, and the lack of social workers and qualified legal defenders are of concern.

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Paragraph 80

Legal reform in the field of the administration of juvenile justice should be pursued. 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 para. 104.

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

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

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

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

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

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 269 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.

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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.

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

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

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 102.

All available measures should be taken to ensure the prompt enactment of the Children Bill of 1996, especially in relation to the administration of the juvenile justice system, with due regard to the principles and provisions of the Convention and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

- Hungary, CRC, CRC/C/79 (1998) 7 at para. 48.

The compatibility of the juvenile justice system with the 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. In particular, the Committee is concerned about the ill-treatment of children in detention centres, that deprivation of liberty is not used as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at paras. 83 and 98.

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Paragraph 83

The fact that persons between the ages of 17 and 18 are considered adults by the penal system is of concern.

Paragraph 98

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

- Fiji, CRC, CRC/C/79 (1998) 18 at para. 125.

The lack of legal counselling for children in care centres, that detention is not being used as a measure of last resort, and the poor state of detention centres are matters of concern. The low minimum age for criminal responsibility, set at 10 years, and the fact that children aged between 17 and 18 years are not considered to be under the juvenile justice system are also matters of concern.

- Japan, CRC, CRC/C/79 (1998) 25 at para. 193.

A review of the system of juvenile justice should be envisaged 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.

- Maldives, CRC, CRC/C/79 (1998) 31 at paras. 208, 228 and 240.

Paragraph 208

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

Paragraph 228

The legal age of definition of the child, which is currently set at 16 years, should be raised. In this regard, the legal minimum ages for marriage and criminal responsibility should be reviewed.

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Paragraph 240

Special procedures for children aged between 16 and 18, who are currently considered adults, should be developed to establish special courts for children and to review the provision of legal counselling for children in care centres.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 260, 263 and 280.

Paragraph 260

The rate of suicides among young people and the occurrence of suicide among young people when in detention is of concern.

Paragraph 263

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

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

Further measures should be taken to ensure the full compatibility of the juvenile justice system with the convention and other relevant United Nations standards. 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, in foster families) be 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.

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- Iraq, CRC, CRC/C/80 (1998) 15 at para. 86.

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

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

The conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of last resort and that children are detained together with adults are matters of concern. Further measures should be taken to ensure the full compatibility of the juvenile justice system with the relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that the use of deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. Ratification of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is encouraged. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, 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.

See also:

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

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 150.

Additional steps should be taken to reform the system of juvenile justice in the spirit of the 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

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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 the protection of all the rights of children deprived of their liberty and, when appropriate, to encouraging alternatives to the processing of cases through the regular penal system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. Technical assistance should be considered from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

See also:

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 182.
- Vanuatu, CRC, CRC/C/90 (1999) 29 at para. 158.

- Austria, CRC, CRC/C/84 (1999) 7 at para. 55.

Legislation that permits the detention of asylum-seeking children pending deportation is of serious concern. The practice of detaining asylum-seeking children should be reconsidered, and such children should be treated in accordance with the best interests of the child.

- Belize, CRC, CRC/C/84 (1999) 12 at para. 89.

The absence of specific legal provisions ensuring that children remain in contact with their families while in the juvenile justice system is of concern. The situation of overcrowding in detention facilities; the holding of minors in adult detention facilities; and the lack of reliable statistical data on the number of children in the juvenile justice system are also of concern. The low minimum legal age of criminal responsibility (7) is also of grave concern. Additional steps should be taken to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, 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 considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protecting the rights of children deprived of their liberty, and ensuring that children remain in contact with their families while in the juvenile justice system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. 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. The legal minimum age of criminal

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responsibility should be increased and legislation should be in conformity with the Convention.

See also:

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 61.

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

The insufficient number of facilities for the detention of juveniles and the fact that juveniles are detained with adults is of concern. Furthermore, 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, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, policies and programmes. Furthermore, seeking international assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice, should be considered.

- Yemen, CRC, CRC/C/84 (1999) 33 at paras. 171 and 184.

Paragraph 171

The acceptability of corporal punishment among parents remains of concern. Measures to raise awareness on the negative effects of corporal punishment should be reinforced and it should be ensured 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.

Paragraph 184

The lack of detention centres for female juvenile offenders; the use of detention other than as a measure of last resort; the poor living conditions in detention centres; the use of physical punishment, including flogging, and torture in detention centres; the lack of rehabilitation measures and educational facilities for juvenile offenders; and the placement of "potential delinquents" in detention centres instead of care institutions for their rehabilitation are of concern. Furthermore, the age of criminal responsibility, set at 7 years, is too low. All measures should be taken to review legislation in order to reflect 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. Training programmes on relevant international standards should be organized for all professionals working in the system of juvenile justice. Technical assistance should be considered from, *inter alia*, the Office of the High Commissioner for Human Rights, the Centre for International

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Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

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

- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at paras. 77, 81 and 93.

Paragraph 77

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

Paragraph 81

All appropriate measures should be taken, including of a legislative nature, 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.

Paragraph 93

All necessary measures should be taken to prohibit the use of corporal punishment within the juvenile justice system, including the repeal of the Corporal Punishment Act (1967).

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- Honduras, CRC, CRC/C/87 (1999) 26 at para. 118.

Judicial mechanisms should be reinforced to deal with complaints of police brutality, ill-treatment and abuse of children. Cases of abuse should be duly investigated in order to avoid impunity for perpetrators.

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

Measures should be reinforced to raise awareness of the negative effects of corporal punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity.

- 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 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 paras. 229 and 247.

Paragraph 229

Domestic legislation (e.g. the Code on Children and Adolescents) has included the principles of “the best interests of the child” (art. 3) and “respect for the views of the child” (art. 12). Nevertheless,

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concern is expressed at the lack of practical implementation of these principles, in particular that the child's right to express his/her views in a judicial or administrative procedure affecting him/her, as established in article 17 of the Code on Children and Adolescents, may not be respected in all cases in a culture where respect of the views of the child is not fully developed. Further efforts should be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to express his/her views in the family, at school, within other institutions and in society in general. With regard to article 17 of the Code on Children and Adolescents, the evolving capacity of the child should always be taken into consideration in all judicial and administrative processes or decisions affecting the child.

Paragraph 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, that deprivation of liberty is used only as a measure of last resort, to guaranteeing prompt access to 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.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 71, 81, 99 and 129-133.

Paragraph 71

The establishment of an independent Ombudsman for children at the federal level, with clear links to similar mechanisms at regional levels, each with a clearly defined and appropriate mandate, including the monitoring of care and juvenile justice structures, and powers and resources sufficient to guarantee effectiveness, should be considered.

Paragraph 81

An increased effort should be made in support for, and cooperation with, NGOs in their efforts to provide training, disseminate information about the Convention, monitor implementation, and to strengthen partnership in the reporting process and in the monitoring of care and juvenile justice institutions.

Paragraph 99

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

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Paragraph 129

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

Paragraph 130

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

Paragraph 131

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

Paragraph 132

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

Paragraph 133

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

- Mexico, CRC, CRC/C/90 (1999) 34 at paras. 182 and 192.

Paragraph 182

The persistent number of alleged cases of children who have been detained in extreme conditions which amount to cruel, inhuman or degrading treatment, and the cases of children physically ill-

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treated by members of the police or the armed forces, remains of concern. Judicial mechanisms should be reinforced to deal effectively with complaints of police brutality, ill-treatment and abuse of children, and cases of violence and abuse against children should be duly investigated in order to avoid the impunity of perpetrators.

Paragraph 192

With regard to the administration of the juvenile justice system, the following concerns remain: the deprivation of liberty is not used only as a last resort; children are often detained together with adults in police stations; cases are processed at a slow pace; detention centres have very poor conditions; juveniles have insufficient access to legal assistance; insufficient rehabilitation measures exist for juvenile offenders; the insufficient supervision and monitoring in detention centres; and the limited amount of trained staff in detention centres. In the light of articles 37, 40 and 39 and other relevant 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 Committee recommends that the State party:

effectively implement a juvenile justice system in accordance with the Convention and other related international standards; ensure the improvement of the conditions of children living in prisons and detention centres; develop centres for the rehabilitation of children in conflict with the law; prohibit the use of violence by law enforcement officials; ensure that the use of deprivation of liberty is used only as a measure of last resort; guarantee prompt access to justice for children in pre-trial detention; develop alternative measures to deprivation of liberty; and strengthen its training programmes on the relevant international standards, for judges, professionals and staff working in the field of juvenile justice. Furthermore, the Committee suggests that the State party consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 256, 257 and 261.

Paragraph 256

Due attention should be given to ensuring that efforts are made to settle complaints of ill-treatment in Youth Custodial Institutions promptly through a mediation procedure that will not result in less than thorough investigations.

Paragraph 257

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

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Paragraph 261

That children aged 12 to 15 are sometimes 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. 58, 59, 71, 72 and 111-113.

Paragraph 58

In the light of article 1, concern is expressed that the various age-limits set by the law are not in accordance with the general principles and other provisions of the Convention. Of particular concern is the very low age of criminal responsibility under the Penal Code, which is set at seven years; and the possibility of trying boys between 16 and 18 years as adults.

Paragraph 59

The State party should review its legislation with a view to ensuring that age-limits conform to the principles and provisions of the Convention, and greater efforts should be made to enforce those minimum-age requirements.

Paragraph 71

The registration of each child taken to a police station should be mandatory, including time, date and reason for detention. Detention should be subject to frequent mandatory review by a magistrate. The State party is encouraged to amend sections 53 and 54 of the Code of Criminal Procedure so that medical examination, including age verification, is mandatory at the time of detention and at regular intervals.

Paragraph 72

It is recommended that the State party implement the recommendations made by the National Police Commission in 1980 and the Parliamentary Committee in 1996, which, *inter alia*, call for a mandatory judicial inquiry in cases of alleged rape, death or injury of persons in police custody; the establishment of investigative bodies; and payment of compensation to people who have been victims of custodial abuse. Amendment to the Juvenile Justice Act is recommended to provide for complaints and prosecution mechanisms for cases of custodial abuse of children. Section 43 of the Police Act should be amended so that police cannot claim immunity for actions while executing a warrant in cases of illegal detention or custodial abuse.

Paragraph 111

Concern is expressed over the administration of juvenile justice in India and its incompatibility with articles 37, 40 and 39 of the Convention and other relevant international standards. Concern is expressed about the very young age of criminal responsibility - 7 years - and the possibility of trying

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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 112

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

Paragraph 113

It is recommended that the State party abolish the imposition of the death penalty on persons under 18. The State party should consider raising the age of criminal responsibility and ensure 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. It is recommended that the State party ensure regular, frequent and independent monitoring of institutions for juvenile offenders.

See also:

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 243, 252 and 264.
 - Yemen, CRC, CRC/C/84 (1999) 33 at para. 166.
 - Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 207.
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- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 205, 206 and 208.

Paragraph 205

Concern is expressed about the very poor conditions in prisons and detention facilities in the State party. That domestic legislation only requires that minors in detention be separated from adults as

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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.

Paragraph 208

Personnel involved with the juvenile justice process should be trained in child psychology and development and relevant human rights law.

See also:

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 285.
- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 237.

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

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

Paragraph 286

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

Paragraph 287

In the light of article 39 of the Convention, it is recommended that the State party urgently establish appropriate programmes to provide for the physical and psychological recovery and reintegration of such children and that these mechanisms be used in the administration of juvenile justice.

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

Paragraph 350

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

Paragraph 351

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

Paragraph 352

The State party should take into account the recommendations adopted at its day of general discussion on “The Administration of Juvenile Justice” (see CRC/C/46). Furthermore, assistance should be sought from, *inter alia*, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

See also:

- Peru, CRC, CRC/C/94 (2000) 64 at para. 382.
- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 74 and 75.

- Peru, CRC, CRC/C/94 (2000) 64 at paras. 364 and 381.

Paragraph 364

Concern is expressed about the application of Decree 895 (*Ley contra el Terrorismo Agravado*) and Decree 899 (*Ley contra el Pandillaje Pernicioso*), both establishing lower legal minimum ages for criminal responsibility than the one contained in the Code and therefore are not in line with the principles and provisions of the Convention. The State party should consider developing alternative measures and programmes to deal with the problems addressed by Decrees 895 and 899 in order to bring them into line with the Convention on the Rights of the Child and the Children and Adolescents

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Code.

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

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 395.

The low legal age for criminal responsibility (7 years) is a concern. The legal age for criminal responsibility should be raised to a more internationally acceptable age by reviewing domestic legislation in this regard.

See also:

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 143 and 144.
 - Jordan, CRC, CRC/C/97 (2000) 31 at para. 172.
 - Egypt, CRC, CRC/C/103 (2001) 36 at paras. 218 and 219.
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- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 430 and 455.

Paragraph 430

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It is noted that the State party has drafted legislation to increase the legal minimum age for criminal responsibility from 7 to 10 years. A legal minimum age of 10 years is still a relatively low age for criminal responsibility. The State party should reassess its draft legislation on criminal responsibility with a view to increasing the proposed legal minimum age (10 years) in this regard.

Paragraph 455

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

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

It is recommended that the State Party:

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

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children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice; and

(d) Consider seeking technical assistance from, inter alia, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

See also:

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 411 and 412.
- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 144 and 145.
- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 507 and 508.

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

Paragraph 40

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

Paragraph 41

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

- Georgia, CRC, CRC/C/97 (2000) 18 at para. 145.

The State party should take all appropriate measures to improve the situation of children in juvenile detention facilities, including their access to adequate food, clothing, heating, educational opportunities and leisure activities.

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

Paragraph 262

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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.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 279, 328 and 329.

Paragraph 279

Emphasis is placed on the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment, and juvenile justice. A systematic approach to involve civil society should be considered, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. Greater efforts should be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip State actors with the knowledge and skills essential for working in partnership with local institutions.

Paragraph 328

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

Paragraph 329

All measures should be taken to integrate fully into its legislation and practice the provisions of the

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Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. Assistance should be sought from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice.

See also:

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 206.
- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 280, 319 and 320.

- Cambodia, CRC, CRC/C/97 (2000) 64 at para. 340, 395 and 396.

Paragraph 340

Existing laws should be reviewed with a view to bringing them into line with the provisions of the Convention, in particular with general principles (arts. 2, 3, 6 and 12). Special attention needs to be paid to the areas of birth registration, family and alternative care, and juvenile justice. Children's rights concerns should be included in the current and future processes of drafting legislation, in particular the draft Civil, Criminal and Criminal Procedures Codes.

Paragraph 395

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

Paragraph 396

The State party should 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. 418, 419, 446 and 447.

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Paragraph 418

Concern is expressed that the minimum legal age for criminal responsibility, set at 9 years, is too low.

Paragraph 419

The State party should review its domestic legislation regarding the minimum legal ages for criminal responsibility and for access to medical counselling without parental consent to bring them in accordance with the principles and provisions of the Convention, especially the best interests of the child.

Paragraph 446

The establishment of a special rehabilitation programme for girls in conflict with the law (e.g. *Fejda*) is welcomed. A similar programme is encouraged for boys. Nevertheless, concern is expressed at the low age of criminal responsibility (9 years); at the assumption, contained in the State party's legislation, that a child between the ages of 9 and 14 could act with "mischievous intent"; and at the exclusion of children between the ages of 16 and 18 from the juvenile justice system.

Paragraph 447

The State party should undertake legislative reform to raise the minimum age of criminal responsibility; to eliminate the assumption that a child aged between 9 and 14 years could act with "mischievous intent"; and to ensure that the juvenile justice system covers all children under the age of 18.

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

Paragraph 568

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

Paragraph 569

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

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

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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.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 182, 183, 202 and 203.

Paragraph 182

It is of concern that the Children and Young Persons Bill proposes to abolish the presumption that children between the ages of 10 and 14 years are *doli incapax* (incapable of committing a criminal offence), which means that legally the minimum age of full criminal responsibility is lowered from 14 to 10 years. The low legal age for criminal responsibility in the Isle of Man (10 years) is a concern. Additionally, the law does not adequately provide for the special protection and care of children who have attained the age of 17 years.

Paragraph 183

It is strongly recommended that the Isle of Man reconsider its decision to abolish the principle of *doli incapax* for very young children. Domestic legislation should be reviewed with a view to increasing the age of criminal responsibility and to ensuring full conformity with the principles and provisions of the Convention. Existing legislation should be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

Paragraph 202

The Isle of Man has elaborated a five year drug strategy and developed a drug prevention programme at the secondary school and college levels. However, concern is expressed about the increasing incidence of drug abuse among youth on the island. The introduction of an “arrest referral scheme” is noted. Any steps to divert child victims of drug abuse from entering the criminal justice system are

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welcomed.

Paragraph 203

In the light of article 33 of the Convention, programmes should be reinforced to guarantee greater protection of children against the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. The Isle of Man is also encouraged to continue its efforts to strengthen rehabilitation programmes for child victims of drug and substance abuse.

See also:

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 229 and 230.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 263-265.

Paragraph 263

It is noted that legislation relating to juvenile justice has been enacted in all of the Overseas Territories. While the legal abolition of judicial corporal punishment in most of the Overseas Territories is appreciated, concern is expressed that the bill to abolish it in the British Virgin Islands has not yet been enacted. Concern is also expressed about:

- (a) The length of time before the hearing of juvenile cases; the lack of confidentiality accorded in cases involving juveniles; the holding of minors in adult detention facilities; the inadequacy of facilities for children in conflict with the law, including girls; the insufficient numbers of trained personnel to work with children in this regard; and the lack of legal aid programmes; and
- (b) The inadequate access to education, health, counselling and other rehabilitative services; and the lack of a complaints mechanism for children whose rights have been violated.

Paragraph 264

The State party should consider deprivation of liberty only as a measure of last resort, for the shortest possible time and only for serious offences; 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; ensure that children are provided adequate access to education, health, counselling and other rehabilitative services; and introduce complaints mechanisms for children whose rights have been violated. The State party should also introduce training programmes on relevant international standards for all those professionals involved with the juvenile justice system.

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Paragraph 265

It is recommended that the British Virgin Islands reinforce efforts to enact the Bill introduced into the Legislative Council to abolish the use of judicial corporal punishment in the islands.

See also:

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

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 394 and 395.

Paragraph 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 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.

Paragraph 395

The State party should:

- (a) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period and only for serious offences;
- (b) Improve the living conditions of children in re-education 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 for those who are released from re-education centres in order to support their reintegration in society; and
- (e) Strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

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

Paragraph 473

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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 punishable if committed by an adult.

Paragraph 540

Laws and policies should be reviewed 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 paras. 594 and 595.

Paragraph 594

Amendments to the Penal Code and the Penal Rules in the area of juvenile justice are noted. However, concern is expressed at the insufficient information available on prevailing conditions in detention facilities for juveniles and with respect to independent complaints mechanisms.

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Paragraph 595

In light of article 37 of the Convention, conditions of detention should conform to international standards. The State party should consider the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the detention of juveniles. Moreover, there should be effective independent mechanisms available to receive and address concerns raised by detainees.

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

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 is also of concern.

Paragraph 73

Laws and practices should be reviewed 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 paras. 306-308.
- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 110 and 111.

Paragraph 110

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

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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.

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

Paragraph 144

The very low legal minimum age of criminal responsibility (9 years) is of concern. Concern is also expressed 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.

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 192

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

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.

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

Paragraph 248

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

Paragraph 249

The State party should repeal status offences such as begging and truancy; ensure separation of children from adults in pre-trial detention; establish effective independent complaints mechanisms; and develop facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

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

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

The State party should take measures to implement legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions. 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.

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

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

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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

The State party should take all necessary steps 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. All appropriate measures should be taken to ensure that law enforcement officials 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 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 expedite the promulgation of a criminal code and a code of criminal procedure. Particular attention should be paid to ensure that: deprivation of liberty is only used as a measure of last resort; children have access to legal aid and independent and effective complaints mechanisms; and persons under 18 are not detained with adults.

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

Paragraph 478

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

Paragraph 479

The State party should establish social services to support judges and guarantee the rights of children

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(especially the right to a fair hearing) in traditional disciplinary measures.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 509, 510, 530 and 531.

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, the State party should effectively use its judicial mechanisms 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.

Paragraph 530

With regard to the administration of the juvenile justice system, concern is expressed at the slow pace of implementation of the juvenile court system; at the lack of data on children involved in the juvenile justice system; at the conditions in specialized centres for children in conflict with the law; at the situation of children detained in prisons with adults; at the limited training programmes for professionals working in the juvenile justice system.

Paragraph 531

The State party should continue undertaking effective measures to overcome all existing obstacles to the full implementation of its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 72, 73, 76 and 77.

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.

Paragraph 73

In light of articles 3, 37, 40 and 39, all effective measures should be taken to ensure that children are separated from adults in detention facilities and that children are not subjected to solitary confinement, unless it is in their best interests and subject to court review. Additionally, the State

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party is encouraged to reinforce its rehabilitation and reintegration programmes for children in conflict with the law.

Paragraph 76

It is noted that a bill has been introduced that would provide support for children between the ages of 15 and 17 years who may be experiencing difficulties in adjusting to the norms and rules of society, especially those children in conflict with the law. However, the situation of these children remains of concern.

Paragraph 77

The State party is encouraged to continue and, where necessary, reinforce its efforts in providing adequate support to these children and their parents.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 93, 94, 119, 120 and 145-147.

Paragraph 93

It is of concern that relevant parts of the national legislation, such as the “Anti-terror Law” of 1991 and some provisions on juvenile courts, are still not in full conformity with the provisions and principles of the Convention.

Paragraph 94

The State party should continue its efforts on law reform with a view to ensuring full conformity of domestic legislation with the provisions and principles of the Convention, and the necessary steps should be taken to end disparities between law and practice, in particular with reference to pre-trial detention of children.

Paragraph 119

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

Paragraph 120

In the light of article 37(a) of the Convention and in line with the recommendations of the Special Rapporteur on Torture (see E/CN.4/1999/61/Add.1), it is strongly recommended that the State party enforce, or, where appropriate, review existing legislation, with a view to preventing children being

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held *incommunicado*, and investigate in an effective way cases of torture and ill-treatment of children. Alleged perpetrators should be transferred from active duty or suspended while they are under investigation and dismissed if convicted. The State party is invited to continue with the systematic training of law enforcement personnel on child rights issues. In light of article 39, the State party is also invited to take all appropriate measures to ensure the physical and psychological recovery and social reintegration of child victims of torture and/or ill treatment.

Paragraph 145

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

Paragraph 146

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

Paragraph 147

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

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UNICEF through the United Nations Coordination Panel on Technical Advice and Assistance of Juvenile Justice.

See also:

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

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 169, 170, 219, 220, 223 and 224.

Paragraph 169

Concern is expressed at the low minimum age for criminal responsibility and at the young age of criminal majority, which is currently 16 years of age.

Paragraph 170

The minimum age of criminal responsibility should be raised and the age of criminal majority should be raised to 18, ensuring that all persons below age 18 benefit from international juvenile justice standards.

Paragraph 219

The high number and difficult situation of children living in and/or working on the street is of concern. Concern is expressed about the lack of access of these children to food and health and education services and the exposure of these children to several risks, including those related to substance abuse, violence, sexually transmitted illnesses and HIV/AIDS. The tendency of the criminal justice system to treat these children as delinquents is also of concern.

Paragraph 220

The State party is urged to strengthen its assistance to children living in and/or working on the street, by studying the causes and implementing preventive measures and improving the protection of children already in this situation, including through the provision of education, health services, food, adequate shelter and programmes to assist children to leave street life. Children living and or working on the street not be treated as delinquents for acts such as their presence in the street or begging.

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

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further concern is the limited number of sanctions available to judges and the consequent overemphasis on deprivation of liberty as a sanction, the very poor conditions of detention and reports of the ill-treatment of children. Further, concern is expressed that children aged 16 and 17 are considered to be adults for the purposes of criminal responsibility and that children 16 or above can, and have been, sentenced to the death penalty, which is a violation of article 37(a) of the Convention. Finally, it is of concern that child civilians and child soldiers are brought before military courts and that such courts do not guarantee international judicial protections, such as the right to appeal.

Paragraph 224

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

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

Paragraph 238

It is strongly recommended that the State party support as much as possible the process to draft a new Children and Adolescent Code that is in full conformity with the principles and provisions of the Convention, expedite its approval by Congress, and ensure its enactment and full implementation as soon as possible. This new code should make a clear distinction, in terms of judicial procedures and treatment, between children in need of care and protection and those in conflict with the law, and should therefore not be based on the doctrine of "irregular situation".

Paragraph 283

Serious concern is expressed that the Committee's previous recommendation, encouraging the reform of the juvenile justice system to ensure its full compatibility with the principles and provisions of the Convention, has not yet been implemented because of the postponement of the entry into force of the Children and Adolescent Code of 1996. In particular, the concern about the doctrine of "irregular situation" is reiterated and it is noted that legal assistance for children is not mandatory and that the presence of a translator for indigenous children is not required. Concern is also expressed at the long

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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, 317, 318, 348 and 350.

Paragraph 307

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 317

While welcoming the inclusion of a provision in the new Constitution prohibiting torture or other cruel, inhuman or degrading treatment and punishment, concern is expressed about the extremely poor conditions of detention for children, amounting in many instances to cruel, inhuman and degrading treatment as spelled out in article 37 (a) of the Convention.

Paragraph 318

The State party should take all necessary measures to improve the conditions of detention of children in prisons and to ensure that each case of violence and abuse is duly investigated in order to avoid impunity being enjoyed by the perpetrators.

Paragraph 348

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While recognizing the State party's efforts, concern remains about the limited progress achieved in establishing a functioning system of juvenile justice throughout the country. Of particular concern is the small number of juvenile courts, judges and social workers. In addition, there is deep concern about the poor conditions of detention, due notably to overcrowding, the overuse of pre-trial detention, the low minimum age of criminal responsibility (10 years), the lengthy periods before juvenile cases can be heard, and the absence of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings.

Paragraph 350

The State party should:

- (a) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;
- (b) 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;
- (c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (d) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;
- (e) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, 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 on Juvenile Justice.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 374-377, 390, 391, 418 and 419.

Paragraph 374

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

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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 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 418

While it is noted that the first juvenile court has recently been established in the State party, it is of concern that the juvenile justice system still does not adequately cover all regions of the country. Concern is also expressed about the holding of minors in adult detention facilities; the poor conditions in detention facilities, the lack of adequate facilities for children in conflict with the law, especially girls, the limited numbers of trained personnel to work with children in this regard, the lack of rehabilitation and reintegration programmes, and the lack of a complaints mechanism for children whose rights have been violated in this regard.

Paragraph 419

The State party should:

- (a) Take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field;
- (b) 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

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liberty, including their right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(d) Reinforce its efforts to ensure that the juvenile justice system is available and accessible to all children within the State party;

(e) Abolish corporal punishment as a sentence within the juvenile justice system; and

(f) Strengthen rehabilitation and reintegration programmes.

See also:

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 187 and 188.
- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 114 and 115.

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

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;

(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;

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- (e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;
- (f) Consider alternative measures to deprivation of liberty, such as probation, community service, or suspended sentences;
- (g) Train professionals in the area of rehabilitation and social reintegration of children;
- (h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

See also:

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