

LIMITATIONS - GENERAL - PERMISSIBLE LIMITATIONS

III. CONCLUDING OBSERVATIONS

CERD

- Rwanda, CERD, A/55/18 (2000) 31 at para. 139.

It is noted that State financial and material resources were reduced to a minimum by acts of destruction and theft during the armed conflicts in 1994. While noting the progress made by the State party in addressing some of the economic problems facing the country, the Committee is aware that the continuing economic difficulties in the State party, its heavy dependence upon scarce international assistance, and the limited resources available to the State party are significant obstacles to the full implementation of the Convention.

- Zimbabwe, CERD, A/55/18 (2000) 38 at para. 190.

It is noted that prior to 1980, the legislation and policies implemented by the white minority regime led to racial segregation and discrimination in the country. The continuing effects of Zimbabwe's social and political history, together with the burden of the external debt and other economic concerns, have impeded full implementation of the Convention.

ICCPR

- Belarus, ICCPR, A/47/40 (1992) 124 at para. 561.

It is particularly important that constitutional and legislative reforms be expedited and that they be in full conformity with the existing international standards enshrined in the International Covenant on Civil and Political Rights. In drafting new legislation affecting human rights, special attention should be paid to the establishment of effective judicial guarantees for the safeguarding of civil and political rights. Attention should be paid in all legislation to ensure that any limitations on human rights are in strict conformity with the limitations to those rights permitted in the Covenant.

- Guinea, ICCPR, A/48/40 vol. I (1993) 111 at para. 547.

Concern is expressed at the general character of the provisions of article 22 of the Basic Law which permits the Government to limit the rights and freedoms of the individual for reasons relating to public order. It is feared that implementation of these provisions might lead the State party to enact laws instituting restrictions on rights and freedoms that go beyond those permitted by the Covenant.

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- Iceland, ICCPR, A/49/40 vol. I (1994) 19 at para. 76.

The apparent preference accorded, in the domestic law as well as in legal doctrine and jurisprudence, to the European Convention for the Protection of Human Rights and Fundamental Freedoms as against the International Covenant on Civil and Political Rights is of concern. In that regard, the attention of the State party is drawn to the fact that the latter guarantees a number of human rights not protected under the former and that permissible restrictions are less broad-based.

See also:

- Malta, ICCPR, A/49/40 vol. I (1994) 26 at para. 125.

- Malta, ICCPR, A/49/40 vol. I (1994) 26 at para. 128.

Appropriate measures should be taken to incorporate the substantive provisions of the Covenant into domestic law and to ensure that the restrictions imposed under domestic law do not go beyond those permissible under the Covenant.

See also:

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at para. 237.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at para. 284.

The view expressed by the Government that the Covenant lacks extraterritorial reach under all circumstances is contrary to the consistent interpretation of the Committee on this subject, that in special circumstances, persons may fall under the subject-matter jurisdiction of a State party even when outside that State's territory.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at paras. 445 and 464.

Paragraph 445

The domestic legal system of Sri Lanka contains neither all the rights set forth in the Covenant nor all the necessary safeguards to prevent their restriction beyond the limits established by the Covenant. It is noted that the Government does not appear to be considering the incorporation of all Covenant rights into domestic law or the ratification of the Optional Protocol; individuals are thus unable to invoke all the rights conferred under the Covenant before national courts or before the Human Rights Committee.

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Paragraph 464

The State party should review the provision of article 16 of the Constitution which permits all existing laws to remain valid and operative notwithstanding any inconsistency with constitutional stipulations relating to fundamental rights.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 150.

Restrictions which can be placed on the rights guaranteed in the Covenant on the grounds of "public welfare", a concept which is vague and open-ended and which may permit restrictions exceeding those permissible under the Covenant, are of concern.

ICESCR

- Zimbabwe, ICESCR, E/1998/22 (1997) 24 at para. 79.

Although many provisions of the Covenant are to be implemented progressively and in accordance with the maximum of the State party's available resources, there are other rights that must be ensured immediately, such as *de jure* non-discrimination and protection of the cultural rights of minorities.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 253.

While noting that the effect of sanctions and blockades hampers the full implementation of certain rights under the Covenant, it is underlined that the State party remains responsible for implementing its obligations under the Covenant "to the maximum of its available resources", in accordance with article 2, paragraph 1.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 246.

While recognizing the difficult economic conditions prevailing in Jordan, it is emphasized that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the equitable distribution of existing resources. It is emphasized that the State party is responsible for ensuring that resources reach the most vulnerable groups. The State party should ensure adequate resource distribution at the national and local levels.

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- Mongolia, ICESCR, E/2001/22 (2000) 53 at paras. 267, 268 and 280.

Paragraph 267

The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, *inter alia*, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. It is acknowledged that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

Paragraph 268

It is acknowledged that the existing divergence between available resources and the needs of the people is further exacerbated by the recent extreme climatic conditions prevailing in Mongolia, which also constitute a serious impediment to the enjoyment of economic, social and cultural rights in the country.

Paragraph 280

With regard to poverty, the Committee notes the National Human Development Plan (NHDP) and the National Poverty Alleviation Programme (NPAP) established by the Government with a view to reducing poverty. The State party is urged to continue to direct resources to those most in need. The State party is reminded of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at para. 357.

The State party is urged to continue seeking international, financial and technical assistance, as provided for in articles 2.1 and 23 of the Covenant, in its efforts to improve the enjoyment of economic, social and cultural rights in Kyrgyzstan, and to continue to direct resources to those most in need. The State party should assess the impact of its economic reforms on the well-being of the population. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

- Yugoslavia (preliminary), ICESCR, E/2001/22 (2000) 80 at para. 496.

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While the Covenant provides for progressive realization, it also imposes on States parties various obligations which are of immediate effect (art. 2, para. 1). For example, the enumerated rights must be enjoyed without discrimination and the State party has an immediate obligation “to take steps” towards the full realization of all the rights in the Covenant (see General Comments No. 3 (1990) on the nature of States parties’ obligations (art. 2, para. 1, of the Covenant), No. 13 (2000) on the right to education (art. 13 of the Covenant), paras. 43-45, and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant, paras. 30-32)).

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at para. 202.

When formulating and implementing its policies on permanent residence and split families, the most careful attention should be given to all the human rights dimensions of the issue, including articles 2 (2), 3 and 10 of the Covenant. The authorities are reminded that any limitations in connection with article 10 must be justified in relation to each element set out in article 4.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 429.

All necessary measures should be taken to guarantee - to the maximum of its available resources, as stipulated by article 2 (1) of the Covenant - that an adequate system of social security is maintained, in particular with regard to the payment of unemployment benefits.

CRC

- Yemen, CRC, CRC/C/50 (1996) 9 at para. 38.

Insufficient measures have been taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources, in particular in relation to the most vulnerable groups.

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 75.

Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

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- Iceland, CRC, CRC/C/50 (1996) 23 at para. 146.

It is recommended that budgetary allocations be ensured to the maximum extent of available resources in light of article 4 of the Convention. The State party should consider strengthening international cooperation and assistance, with a view to enhancing the promotion and protection of the rights of the child.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 160.

As regards the implementation of article 4 of the Convention, it is noted with concern that measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources are inadequate. Insufficient attention has been paid in this regard to the areas of the social and human development of children and to the needs of the most vulnerable groups of children.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 164 and 179.

Paragraph 164

As regards the implementation of article 4 of the Convention, concern is expressed about the failure of the Government to accord priority to the implementation of economic, social and cultural rights of children to the maximum extent of available resources. Insufficient attention has been paid to the most disadvantaged groups, in both rural and urban areas.

Paragraph 179

Particular attention should be paid to the need to ensure budget allocations, to the maximum extent of available resources, to implement economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child. International cooperation resources should be channelled towards the realization of children's rights and efforts should be pursued to reduce the negative impact of foreign debt and debt servicing on children.

- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 206 and 221.

Paragraph 206

In view of the historical disparities affecting indigenous children and children belonging to groups living below the poverty line, as well as girls, the Committee is concerned about the adequacy of measures to ensure the effective implementation of the economic, social and cultural rights of children at the national, regional and local levels, in the light of articles 2, 3 and 4 of the Convention.

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Paragraph 221

With respect to article 4 of the Convention, sufficient budgetary provisions must be made to respond to national and local priorities for the protection and promotion of children's rights. It is emphasized that the policy of decentralization must be designed to overcome and remedy existing disparities between the regions and rural/urban areas.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 223.

Cuts in social expenditure and their negative impact on health, education and other traditional welfare areas for children are a concern. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that the State party take effective measures to allocate the maximum extent of available resources for social services and programmes for children, and particular attention should be paid to the protection of children belonging to vulnerable and marginalized groups.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 251.

In the light of articles 2, 3 and 6 of the Convention, and with a view to achieving full application of article 4, the State party is urged to make every effort to protect children's rights from the negative effects of the current economic situation, including through the prioritization of budgetary allocations in a manner which ensures the best possible implementation of the Convention and to the maximum extent of the State party's available resources. The State party should give particular attention to the situation of children of poor families and from regions experiencing particular economic difficulties.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 310 and 311.

Paragraph 310

Concern is expressed that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of economic, social and cultural rights of children.

Paragraph 311

The State party should develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The State party should ensure the adequate distribution of resources at the national and local levels, where needed within the framework of international cooperation.

See also:

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- India, CRC, CRC/C/94 (2000) 10 at paras. 52 and 53.
 - Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 129 and 130.
 - Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 34 and 35.
 - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 276 and 277.
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- Peru, CRC, CRC/C/94 (2000) 64 at para. 368.

While acknowledging the measures taken in the areas of health and education, concern remains about the limitations imposed, owing to budgetary restrictions, on the full implementation of social programmes for children. Measures should be undertaken “to the maximum extent of [...] available resources” in light of articles 2, 3 and 4 of the Convention and particular attention should be paid to the protection of children belonging to vulnerable and marginalized groups. The State party should develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty in order to give priority to budget allocations for these groups of children.

See also:

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 348 and 349.
 - Dominican Republic, CRC, CRC/C/103 (2001) 91 at para. 497.
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- Grenada, CRC, CRC/C/94 (2000) 72 at para. 393.

Concerns remain that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children “to the maximum extent of ... available resources”. In the light of articles 2, 3, and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

See also:

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 225 and 226.
- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 497 and 498.
- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 611-614.

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- South Africa, CRC, CRC/C/94 (2000) 81 at para. 428.

In light of article 4 of the Convention, concern is expressed about the insufficient efforts made to ensure the adequate distribution of resources allocated for children's programmes and activities. In light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 85, 94 and 95.

Paragraph 85

The economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The impact of the structural adjustment programme and the high levels of unemployment and poverty are noted. The civil and political unrest which emerged soon after the State party declared its independence in 1991 is also noted. This has slowed the period of transition and prevented the implementation of adequate programmes and services for children, especially those in conflict zones.

Paragraph 94

While it is noted that the civil and political unrest, the economic crisis and the structural adjustment programme have had adverse effects on social investment, concern is expressed that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". Concern is also expressed at the widespread practices of tax evasion and corruption which are believed to have an effect on the level of resources available for the implementation of the Convention.

Paragraph 95

In light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. It is recommended that the State party undertake all appropriate measures to improve its system of tax collection and reinforce its efforts to eradicate corruption.

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- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 168 and 169.

Paragraph 168

Insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of...available resources” of the economic, social and cultural rights of children.

Paragraph 169

While recognizing the difficult and poor economic conditions, it is emphasized that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the redistribution of existing resources. The State party should develop ways to undertake a systematic assessment of the impact of budgetary allocations on the implementation of children’s rights, and to collect and disseminate information in this regard. The State party should ensure the distribution of adequate resources at the national and local levels, where needed within the framework of international cooperation.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 347 and 348.

Paragraph 347

While most of the State party’s infrastructure and social services were destroyed as a result of decades of war, concern is expressed about the insufficient attention paid to the provisions of article 4 of the Convention concerning budgetary allocations to the “maximum extent of ... available resources”.

Paragraph 348

Priority should be given to ensuring that the maximum available resources are allocated to health, education and social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the State party is encouraged to continue and foster open cooperation with the international community, in particular within the coordinated framework of the donors’ Consultative Group on Cambodia.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 412 and 413.

Paragraph 412

Note is taken of the State party’s child-oriented policy, entitled “A Caring Society in a Changing World”. Nevertheless, concern is expressed at the fact that there is still no comprehensive national policy for the implementation of children’s rights in accordance to article 4 of the Convention.

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Paragraph 413

The State party should give priority to the full implementation of article 4 of the Convention and ensure the appropriate distribution of resources. Budget allocations for the implementation of the economic, social and cultural rights of children should be ensured “to the maximum extent of available [...] resources” (art. 4). The State party should take effective measures for the full implementation of a national policy on the rights of the child, with due regard to the holistic nature of the Convention.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 454, 463 and 464.

Paragraph 454

It is acknowledged that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular the impact of the structural adjustment programme and the increasing level of unemployment and poverty are noted. Note is also taken of the challenges faced by the State party in implementing adequate programmes and services for children living in communities in the interior which are in many instances isolated and very difficult to reach. The limited availability of skilled human resources, compounded by the high rate of emigration and the brain drain, also adversely affects the full implementation of the Convention.

Paragraph 463

While it is noted that the State party supports the 20/20 Initiative which stipulates that 20 per cent of the national budget and international cooperation should be dedicated to children’s programmes, concern is expressed that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and district levels, in favour of children “to the maximum extent of ... available resources”.

Paragraph 464

In light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to the implementation of the economic, social and cultural rights of children, to the maximum extent of available resources including, where needed, international cooperation. In allocating resources, the State party should pay particular attention to districts in the interior and seek to end the inequalities in service provision in these parts of the country.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 529-531.

Paragraph 529

In light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular

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attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The State party is urged to establish a policy on the allocation of resources in favour of children, including resources allocated by international agencies or bilateral assistance, and to determine how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.

Paragraph 530

Deep concern is expressed about the overall situation of children's rights in the State party. Note is taken of the resource limitations faced by the State party which constrain its ability to address such a wide array of problems.

Paragraph 531

It is strongly recommended that the State party seek international assistance for the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 103 and 104.

Paragraph 103

In light of article 4 of the Convention, deep concern is expressed at the low proportion of the national budget invested in health, education and social welfare in contravention of the World Bank's guidelines on minimum spending on these areas, and the high proportion of spending on defence. Resources, whether from State allocations or from direct international assistance, are not distributed evenly among the population according to need. Further, note is taken of the high proportion of the population living in poverty. The impact of this situation on children is a concern.

Paragraph 104

In light of articles 2, 3 and 4 of the Convention, it is recommended that the State party raise the proportion of spending on health, education and social welfare to the maximum of available resources, with a view to ensuring access to these services for all children. The State party should ensure that resources are distributed as evenly as possible according to the needs of vulnerable populations and to all geographical areas. It is recommended that the State party make every effort to ensure that programmes and services for the implementation of the Convention are maintained.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 277 and 278.

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Paragraph 277

Concern is expressed that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of the economic, social and cultural rights of children. While appreciating that the decentralization of services allows the local authorities to respond better to local needs, it is emphasized that the State party is responsible for ensuring that resources reach the most vulnerable groups.

Paragraph 278

The State party should develop ways to assess systematically the impact of budgetary allocations on the implementation of child rights. An adequate distribution of resources should be ensured at the national and local levels - where needed, within the framework of international cooperation. The State party’s obligations under the Convention should be taken into account in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are not undermined.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 415 and 416.

Paragraph 415

Concern is expressed about the insufficient proportion of budgetary resources devoted to implementing the provisions of the Convention.

Paragraph 416

In the light of article 4 of the Convention, it is recommended that the State party pursue its goals to increase budgetary allocations in the health and education sectors to at least 25 per cent of the national budget and to ensure adequate resource distribution for the implementation of the Convention as a whole.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 556 and 557.

Paragraph 556

The lack of adequate information and the apparent lack of transparency concerning the resources allocated for the implementation of economic, social and cultural rights of children is regretted.

Paragraph 557

The State party should implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that is allocated, to the maximum extent of available resources, and in accordance with legislation and policies, for economic, social and cultural rights,

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are easily identifiable and presented in a transparent way.

- Comoros, CRC, CRC/C/100 (2000) 110 at para. 613.

The State party is urged to establish, as soon as possible and based on reliable data, a policy for the allocation of resources in favour of children, including resources provided by international agencies or through bilateral assistance, and to establish how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 38 and 39.

Paragraph 38

In light of article 4 of the Convention, it is of concern that not enough attention has been paid to allocating adequate budgetary resources for the implementation of existing child rights legislation, in particular to local governments, and that policies related to children are not clear priorities in the State budget.

Paragraph 39

In light of article 4 of the Convention, the State party is encouraged to clearly identify its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources for the full implementation of the economic, social and cultural rights of children, in particular to local governments and for children belonging to the most vulnerable groups in society. The State party should identify the amount and proportion of its budget that is spent on children at the national and local levels in order to be able to evaluate the impact of the expenditures on children.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 264, 265 and 293.

Paragraph 264

Concern is expressed that a large number of families with children who live in poverty do not have enough support. Further, it is noted that child-related programmes are not clear priorities in the State budget. Concern is also expressed that the appropriate financial and human resources have not yet been allocated for the implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

Paragraph 265

In light of article 4 of the Convention, a study should be undertaken on the impact of the Government's budgetary resources allocated for children and their families in order to assess their

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effectiveness and to develop a comprehensive strategy to ensure the full implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular at the local level and with respect to children belonging to the most vulnerable groups in society. The State party should clearly identify its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of the expenditures on children. Financial and human resources should be appropriately allocated for the full implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

Paragraph 293

In light of articles 3, 4, 6, 26 and 27 of the Convention, the State party should take all appropriate measures, such as the adoption and enforcement of the Programme of Assistance to Families Raising Children, to the maximum extent of its available resources and in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure to the maximum extent possible the survival and development of all children living in Lithuania, without discrimination.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 318, 327 and 328.

Paragraph 318

It is acknowledged that the economic and social difficulties facing the State party and the human rights situation in general have had, and still have, a negative impact on the situation of children and are impeding the full implementation of the Convention. In particular, the impact of the increasing level of poverty, very high unemployment and the emigration of professionals on children are noted. The impact of HIV/AIDS also adversely affects the full implementation of the Convention.

Paragraph 327

Concern is expressed that the State party has not used to the maximum extent possible the available budgetary, human and other resources for the Convention's implementation.

Paragraph 328

In the light of article 4, the State party should make every effort to increase the proportion of the budget allocated to children's rights and, in this context, to ensure the provision of appropriate human resources and that the implementation of child policies are a priority.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 442 and 443.

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Paragraph 442

It is noted with concern that budgetary allocations for education and social services have been gradually reduced since independence (1994) and that there is a scarcity of resources for welfare and social services. There is no social welfare system in the State party. Additionally, concern is expressed that in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources, at both the national and community levels, in favour of children “to the maximum extent of ... available resources”. Insufficient efforts have been made to ensure that an adequate proportion of financing gained through international cooperation is allocated to children’s programmes.

Paragraph 443

In the light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources, and where possible with international cooperation. In allocating resources, the State party should pay particular attention not only to education and health, but also to social services, especially in the outer islands and among non-Palauan children, to redress the gradual reduction in allocation to these areas. A social welfare system should be established to protect vulnerable children, particularly in the light of the recent trend towards charging fees for social services. Adequate resources should be allocated to strengthen the infrastructure of professionals working with and for children. The State party is encouraged to reinforce its efforts in preparation for the eventual phasing out of the Compact of Free Association by allocating adequate financial and human resources. In this connection, greater protection should be guaranteed for the most vulnerable groups of children against the adverse effects of these economic changes.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 370 and 371.

Paragraph 370

While the Committee is aware of the economic challenges faced by the State party, including increasing poverty levels and high debt payments, it is concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and local levels and in the best interests of children, “to the maximum extent of ... available resources”.

Paragraph 371

In light of articles 2, 3, and 6 of the Convention, particular attention should be paid to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation.

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