

PROTECTION OF THE FAMILY - GENERAL

IV. CONCLUDING OBSERVATIONS

ICCPR

- Islamic Republic of Iran, ICCPR, A/48/40 vol. I (1993) 44 at para. 268.

Active measures should be taken to enhance the status of women in the Islamic Republic of Iran in accordance with articles 2, 3 and 23 of the Covenant and to guarantee their equal enjoyment of rights and freedoms.

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at para. 108.

The discriminatory legal provisions concerning children born out of wedlock are of concern. In particular, provisions and practices regarding the birth registration forms and the family register are contrary to articles 17 and 24 of the Covenant. The discrimination in their right to inherit is not consistent with article 26 of the Covenant.

- Mexico, ICCPR, A/49/40 vol. I (1994) 33 at para. 181.

The authorities should actively pursue programmes for the protection of vulnerable children, particularly street children. Similarly, the progress achieved with regard to the status of women should be developed further and greater efforts should be made to combat family violence.

- Latvia, ICCPR, A/50/40 vol. I (1995) 62 at para. 350.

It is of concern that a significant segment of the population will not enjoy Latvian citizenship owing to the stringent criteria established by the law and the policy deliberately chosen to consider each case on an individual basis and pursuant to a timetable calculated to delay the naturalization process for many years. The legislation still contains criteria of exclusion which give room to discrimination under articles 2 and 26 of the Covenant and raises difficulties under articles 13 and 17 of the Covenant.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at para. 399.

Legislation should be passed on the protection of privacy, and strict and positive action should be taken to prevent violations of the right to protection from unlawful or arbitrary interference with

PROTECTION OF THE FAMILY - GENERAL

privacy, family, home or correspondence.

- Denmark, ICCPR, A/52/40 vol. I (1997) 14 at para. 73.

Further consideration and amendments should be made to the regulations concerning residence and other conditions for reunification of families both of alien immigrants and refugees so as to give effect more fully to articles 23 and 24 of the Covenant.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 103 and 114.

Paragraph 103

It is noted that family reunification is not authorized immediately for foreign workers who settle in Switzerland, but only after 18 months, which is too long a period for the foreign worker to be separated from his family.

Paragraph 114

Measures should be taken to permit the family reunification of foreign workers resident in Switzerland shortly after they obtain a temporary residence permit.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 102.

The continued operation of family and inheritance laws, which are incompatible with the principle of gender equality under article 2, paragraph 1, 3, 23 and 26 of the Covenant, are of concern. Therefore, steps should be taken to promote and ensure full equality between men and women in the political, economic, social and cultural life of the country, and to eliminate all forms of legal and *de facto* discrimination against women.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at para. 319.

The increasingly restrictive conditions for maintaining the right to permanent residence, the denial of requests for family reunification and the difficulty experienced by non-Jews in obtaining building permits and accommodation have resulted in increasing numbers being forced to move to the occupied territories.

PROTECTION OF THE FAMILY - GENERAL

- Italy, ICCPR, A/53/40 vol. I (1998) 50 at para. 335.

The recent changes in legislation concerning controls applied to illegal immigrants, which improve their rights while awaiting a decision on admission and the possibility of family reunion in the case of admission and which bring more into line with article 13 the guarantees for such persons before they may be deported, are appreciated.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 94.

Provisions relating to fake marriages and to the expulsion of aliens may give insufficient protection to the right to marry and to family life, as recognized in articles 17 and 23 of the Covenant.

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at para. 237.

It is of concern that Canada's policy in relation to the expulsion of long-term alien residents fails to give full consideration in all cases to the protection of all Covenant rights, in particular under articles 23 and 24.

- Australia, CERD, A/55/18 (2000) 17 at para. 36.

The conclusions of the "National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families" noted and the measures taken to facilitate family reunion and to improve counselling and family support services for the victims are acknowledged. Concern is expressed that the Commonwealth Government does not support a formal national apology and that it considers inappropriate the provision of monetary compensation for those forcibly and unjustifiably separated from their families, on the grounds that such practices were sanctioned by law at the time and were intended to "assist the people whom they affected". It is recommended that the State party consider the need to address appropriately the extraordinary harm inflicted by these racially discriminatory practices.

- Australia, ICCPR, A/55/40 vol. I (2000) 71 at paras. 512 and 513.

Paragraph 512

While noting the efforts by the State party to address the tragedies resulting from the previous policy of removing indigenous children from their families, the continuing effects of this policy remain of concern.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 513

The State party should intensify these efforts so that the victims themselves and their families will consider that they have been afforded a proper remedy (arts 2, 17 and 24).

- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at para. 73(16).

It is noted that under the Aliens Act, Immigration Authorities may require DNA testing of an applicant and the persons with whom the applicant claims family ties on which a residence permit is to be based. DNA testing may have important implications for the right of privacy under article 17 of the Covenant. Denmark should ensure that such testing is used only when necessary and appropriate to the determination of the family tie on which a residence permit is based (art. 23).

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(5).

Recent developments in which some of those responsible for the most serious violations of human rights, including forced disappearances, torture and removal of children from their parents for purposes of illegal adoption or trafficking, are being brought to trial, are welcomed. The establishment of a mechanism, without time restriction on its activities, to restore the identities of children who were forcibly removed from their families is particularly welcomed.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(6).

That exchange visits between families from the State party and the Republic of Korea, however limited, have taken place on three occasions since the Pyongyang Declaration of 15 June 2000 is welcomed as a positive sign.

ICESCR

- Morocco, ICESCR, E/1995/22 (1994) 28 at para. 112.

The extent to which women enjoy the rights contained in the Covenant, in particular as regards matters arising under articles 6, 7, such as equal remuneration for equal work and employment opportunities, article 10, particularly relating to status of women in the family, and article 13, particularly in relation to the right to education, is of concern. While recognizing that some progress has been achieved in this regard, the gender differences regulating marriage and family relations are noted with particular concern.

PROTECTION OF THE FAMILY - GENERAL

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 289, 290 and 299.

Paragraph 289

The problem of split families in Hong Kong, especially where it concerns spouses who are forced to live apart from each other and children who are separated from parents and siblings, is of concern. This situation is the result of Hong Kong's present immigration law. The separation of families is inconsistent with the obligations under article 10 of the Covenant.

Paragraph 290

It is also of concern that in the case of Hai Ho-Tak conflicting explanations have been received about the reasons for the separation of the child from his parents and as to which authorities are in a position to resolve the problem. These explanations are unconvincing. Undue broad bureaucratic reasons have been used as a justification for a measure which is not compatible with the rights recognized in article 10. The suggestion that the child's parents should apply for a one-way permit would not appear to be an adequate solution, given the very lengthy delay that would result. The Government should reconsider its response to this case. It is also noted that no compelling reason has been offered by the Government for its refusal to provide a statutory right of appeal in immigration cases which involve exceptional circumstances of a humanitarian nature and this principle should also be reconsidered.

Paragraph 299

The existing immigration policy of Hong Kong should be reviewed with a view to amending the provisions which result in split families.

- Philippines, ICESCR, E/1996/22 (1995) 30 at para. 114.

The situation of Filipino overseas workers, especially women who often face hardship and humiliation, is noted with great concern. Significant problems of family disintegration and juvenile delinquency can accompany such massive exportation of labour.

- Algeria, ICESCR, E/1996/22 (1995) 54 at para. 296.

It is noted with concern that family violence, of which women are the principal victims, continues to be a problem, and is insufficiently addressed by the authorities in terms of either prevention or punishment. The fact that children born out of wedlock are subjected to *de jure* and *de facto* discrimination is deplored.

PROTECTION OF THE FAMILY - GENERAL

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 347 and 355.

Paragraph 347

The growing number of split families in Hong Kong is of deep concern. The Government has an obligation to ensure that the criteria applied in deciding who is eligible for legal migration into Hong Kong are consistent with the provisions of the Covenant.

Paragraph 355

Every possible measure should be taken to develop a fair and open one-way permit-approval mechanism in order to facilitate rapid family reunification.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at paras. 339 and 353.

Paragraph 339

The need for effective control over inter-State adoption of children is stressed. In the absence of such controls, foreign adoption may subject children to various types of exploitation, including sexual exploitation. With respect to article 10 of the Covenant, it is regretted that women are not receiving adequate medical care during pregnancy and childbirth. Questions regarding the effect on women of the proposed introduction of a three-tier fee system for medical care remain unanswered.

Paragraph 353

Effective control should be placed on the inter-State adoption of children, with a view to preventing sexual and other forms of exploitation. The Government should ensure that all women receive adequate medical care during pregnancy and childbirth.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at para. 371.

It is noted with concern that the Civil Code retains a distinction between legitimate children and children born out of wedlock.

See also:

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at para. 394.

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at para. 403.

It is strongly recommended that any existing distinction in the Civil Code regarding children born out

PROTECTION OF THE FAMILY - GENERAL

of wedlock be eliminated.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 73, 74, 78, 91 and 93.

Paragraph 73

The existence of disparities between statutory law and customary law is noted with concern. The age for marriage in statutory law is 18 years but girls as young as 12 years of age are able to marry under customary law, as long as the parents consent. The practice of early marriage has negative impacts on the right to health, right to education and the right to work, particularly of the girl child. In statutory law, there is equality of inheritance among siblings while customary law discriminates against married women who, unlike married men, may not inherit family property. In allowing customary law to prevail over statutory law in this regard, the Government is not complying with its obligation to protect the rights of women against discrimination.

Paragraph 74

It is noted with concern that existing legislation discriminates against children born out of wedlock who may inherit only from their mother. This legislation violates the rights set forth in article 10 of the Covenant.

Paragraph 78

It is noted that Sri Lanka not only has the second highest rate of suicide among youth in the world, but a rising incidence of drug and alcohol dependence, adolescent crime, child abuse, sexual disorders and domestic violence against women. It is deeply regretted that the Government has failed to comply with its obligation under article 10 of the Covenant (concerning protection of the family) and article 12.

Paragraph 91

The Government should undertake an assessment of the impact on children of the prolonged absence of their mothers working abroad with a view to educating Sri Lankan women in this regard, and to discourage women from leaving the country for employment abroad as domestic helpers, the conditions of which are often deplorable.

Paragraph 93

It is recognized that economic conditions provide a strong incentive for many adults to seek work abroad, but it is noted that any resulting separation of parents, and especially mothers, from their children can have significant negative consequences, especially for the children. A study should be undertaken to shed more light on the issues involved and to provide a basis for more informed decision-making in such cases.

PROTECTION OF THE FAMILY - GENERAL

- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 151 and 159.

Paragraph 151

The rising incidence of domestic violence and of trafficking of young women is of concern. The absence of specific regulations on sexual harassment of women, the lack of shelters for the women and children who are victims of family violence in 33 per cent of voivodships, and the apparent lack of counselling facilities for such victims is noted.

Paragraph 159

Sexual harassment against women should be prohibited by law. Shelters for women and children who are victims of family violence, with all necessary support facilities, including counselling and other assistance, should be provided in all voivodships.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at para. 192.

More clearly targeted policies should be adopted to protect the welfare of the family.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 245, 246, 248, 265 and 266.

Paragraph 245

The forcible separation of Palestinian families because of closures and the refusal of Israeli authorities to allow students in Gaza to return to their universities in the West Bank are matters of concern.

Paragraph 246

Concern is expressed over the effect of the directive of the Ministry of the Interior, according to which Palestinians may lose their right to live in the city if they cannot prove that East Jerusalem has been their "centre of life" for the past seven years. The serious lack of transparency in the application of the directive is regretted. It is noted with concern that this policy is being applied retroactively both to Palestinians who live abroad and to those who live in the West Bank or in nearby Jerusalem suburbs, but not to Israeli Jews or to foreign Jews who are permanent residents of East Jerusalem. This system has resulted in, *inter alia*, the separation of Arab families and the denial of their right to social services and health care, including maternity care for Arab women, which are privileges linked to residency status in Jerusalem. It is of deep concern that the implementation of a quota system for the reunification of Palestinian families affected by this residency law involves long delays and does not meet the needs of all divided families. Similarly, the granting of residency status is often a long process and, as a result, many children are separated from at least one of their parents and spouses are not able to live together.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 248

The continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city, are deplored.

Paragraph 265

The State party should respect the right to self-determination as recognized in article 1, paragraph 2, of the Covenant, which provides that "in no case may a people be deprived of its own means of subsistence". Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood. The Government should undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, the safe conduct of students and teachers to and from schools, and the reunification of families separated by closures.

Paragraph 266

The State party should reassess its Permanent Residency Law with a view to ensuring that its implementation does not result in impeding the enjoyment of economic, social and cultural rights by Palestinians in East Jerusalem. In particular, the quota system currently in place should be removed so that families separated by residency rules can be reunited without delay.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 287 and 295.

Paragraph 287

Serious concern is expressed at the incidence of domestic violence against women and children in Cypriot society. The Government appears to have failed to adopt an adequate prevention policy, to enforce fully the existing legislative measures to combat violence in the family and to assist victims of such violence.

Paragraph 295

An appropriate policy should be adopted to prevent and tackle the problem of domestic violence against women and children in all its complexity. In this connection, the State party should financially assist the Association for the Prevention and Confrontation of Domestic Violence to set up, as soon as possible, its proposed women's shelter.

- Canada, ICESCR, E/1999/22 (1998) 63 at para. 412.

The plight of thousands of "Convention refugees" in Canada, who cannot be given permanent resident status for a number of reasons, including the lack of identity documents, and who cannot be reunited

PROTECTION OF THE FAMILY - GENERAL

with their families for a period of five years, is of concern.

- Iceland, ICESCR, E/2000/22 (1999) 26 at para. 81.

The lack of family solidarity and the increasing use of foster homes is of concern. Children who leave their nuclear families and have to be brought up in temporary or permanent foster homes, which may give rise to problems of custody, homelessness and delinquency. This situation also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 251.

The State party should ensure that the Family Protection Unit has adequate resources, its capacity should be strengthened and its services expanded to cover all regions of the country. The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of abuse. The State party should continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services.

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 476 and 488.

Paragraph 476

In the light of article 28 of the Covenant, the Committee is concerned about the significant shortage of social housing in Belgium, especially in Flanders. Concern is expressed that larger families, as well as single-parent and low-income families, are at a disadvantage in qualifying for such social housing.

Paragraph 488

It is recommended that the State party take measures to eliminate the disadvantage of larger families, as well as of single-parent and low-income families, in qualifying for social housing.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 168, 184, 202 and 203.

Paragraph 168

The efforts to provide adequate housing for Hong Kong residents are commended. In particular, it is noted with appreciation that interim housing is provided for evicted squatters, victims of domestic violence and families separated by divorce.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 184

There is deep concern about the hardship arising from policies on permanent residence and split families.

Paragraph 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.

Paragraph 203

The transparency of all relevant processes concerning permanent residence and split families should be enhanced. For example, it is recommended that all data, appropriately disaggregated (e.g. by origin of applicant), be made publicly available and tabled in the Legislative Council every six months.

- Republic Korea, ICESCR, E/2002/22 (2001) 45 at paras. 222, 226 and 231.

Paragraph 222

Concern is expressed that the State party did not take into account its Covenant obligations when negotiating with international financial institutions to overcome its financial crisis and restructure its economy. The over-reliance on macro-economic policies has had profound negative effects on the enjoyment of economic, social and cultural rights in that there have been large-scale employee dismissals and lay-offs, the significant deterioration in employment stability, growing income inequalities, an increasing number of broken families and marginalization of a large number of persons.

Paragraph 226

The continued unequal status of women is noted with deep concern. Persisting problems include the traditional preference for sons, which is manifested in a high incidence of induced abortions of girl fetuses that threaten the reproductive rights of women; the patriarchal head of family system ("ho-ju") as defined in law; the high incidence of domestic violence; the relatively low access by women to tertiary education; discrimination against women and sexual harassment in the workplace; and a large gap in the average salaries paid to women and to men.

Paragraph 231

The rising incidence of sexual exploitation of children, child labour and hardships caused by a breakdown of the family are matters of concern. In this regard, the legal protection accorded to children does not appear to have been adequately implemented.

PROTECTION OF THE FAMILY - GENERAL

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 315.

Concern is expressed about the position of women in Togolese society. Despite a constitutional declaration of equality under the law, women continue to experience wide-spread discrimination, especially in relation to the rights to education, to social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 494 and 511.

Paragraph 494

The large number of children, especially newborns and children with disabilities, who are abandoned or are otherwise deprived of a family environment is of concern, and the absence of an effective strategy to address this phenomenon is regretted.

Paragraph 511

The State party is urged to take effective measures, including the development of strategies and awareness-raising activities, aimed at reducing and preventing the abandonment of children. In particular, the State party should promote, through counselling and community-based programmes, the family as the best environment for the child and assist parents to keep their children at home. Moreover, effective measures should be taken to increase and strengthen family-based alternative care, so that children are placed in institutions only as a last resort.

CEDAW

- Uganda, CEDAW, A/50/38 (1995) 61 at para. 335.

The very high percentage of households headed by girl children is of concern.

- Peru, CEDAW, A/50/38 (1995) 79 at para. 449.

Measures should be taken in which the strengthening of the family would simultaneously lead to a strengthening of individual rights of women and to an equal distribution of responsibilities between women and men.

- Croatia, CEDAW, A/50/38 (1995) 110 at para. 587.

PROTECTION OF THE FAMILY - GENERAL

Concern is expressed over the fact that many women were still missing and over the material and psychological effect this had on their families.

- Guyana, CEDAW, A/50/38 (1995) 119 at para. 625.

A comprehensive approach of legal reform relating to the family should be pursued.

- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at para. 309.

Services for the care of young children who have not yet begun compulsory schooling should be increased and regulated.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 81-82.

The situation of wives of disappeared persons who can neither legally prove that their husbands are dead, owing to the length and difficulty of the procedure, nor enjoy their status as married women is a concern. This results in human and material injuries to these women and their children. The Government should help this group of women and their families by simplifying, even on a temporary basis, the legal procedure for certification of death so that they can clarify their status, obtain custody of their children and legally dispose of property to which they are entitled.

- Germany, CEDAW, A/55/38 part I (2000) 29 at para. 327.

Noting the Government's intention to amend the Aliens Act on the legal status of foreign spouses, concern is expressed at the situation of alien women seeking residence in the State party.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at para. 359.

Concern is expressed over the fact that the country's legislation, in particular with regard to women's role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women's participation in the labour market.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 138 and 139.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 138

The persistence of traditional stereotypes regarding the role of men and women in the family, in employment and in society, is of concern. Further concern is expressed about the lack of targeted educational programmes, mass media campaigns and temporary special measures in education, employment and politics to eliminate these stereotypes. The fact that provisions in the current draft Code of Advertising Ethics may not be sufficient to address advertisements that utilize and support traditional sex-role stereotypes is also of concern.

Paragraph 139

The Government should design and implement comprehensive programmes in education and the mass media in order to promote roles and tasks of women and men in all sectors of society. The draft Code of Advertising Ethics should be amended in order to cover not only the prohibition of the promotion of discrimination against women and men, or of the alleged superiority of one sex over the other, but also of the more subtle utilization of and support for traditional role stereotypes in the family, in employment and in society.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at para. 192.

Awareness-raising campaigns should be implemented to change stereotypical and discriminatory attitudes concerning the roles of women and girls, in addition to providing a non-discriminatory legislative basis. The Government should also work towards the elimination of the practice of polygamy, in light of general recommendation 21 on marriage and family relations.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 221, 234 and 236.

Paragraph 221

The measures undertaken to combat violence against women are noted with satisfaction. The federal law on the protection against family violence, which entered into force on 1 May 1997, and created a legal basis for the speedy and efficient protection of victims of domestic violence, is commended.

Paragraph 234

The Federal Government is urged to adopt a proactive comprehensive policy, with appropriate budgetary allocations as incentives to provincial and local authorities, so as to develop childcare facilities that enable women's equal participation in the labour force.

Paragraph 236

Concern is expressed over the situation of single women and, in particular, the disadvantages suffered by never-married and divorced elderly women in terms of retirement pensions and social security benefits. The Government should take into consideration current social trends when designing policies

PROTECTION OF THE FAMILY - GENERAL

so as to meet the needs of the increasing number of single women in the country.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 263 and 264.

Paragraph 263

There is an insufficient assessment of the question of violence against women, and in particular of domestic violence and sexual harassment in the workplace. That no specific laws are in place to penalize domestic violence and sexual harassment in the workplace is of concern. That insufficient statistical data are available about various types of violence against women, including elderly women and against children, is noted. It is also of concern that there is insufficient information on the response of law enforcement officials, the judiciary and health care providers to such violence.

Paragraph 264

A comprehensive assessment should be made of the possible incidence of violence against women, including domestic violence and sexual harassment in the workplace, as well as, in case of incidents, the root causes of such violence. The Government should increase public awareness of the need to take measures to prevent such violence, consider launching a zero-tolerance campaign on violence against women, and increase the awareness of public officials and the judiciary about the seriousness of such violence. The Government is further invited to increase the availability of support measures for women victims of domestic violence, such as telephone helplines and shelters for battered women.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 296 and 319.

Paragraph 296

The establishment, in 1998, of the Office of the Advocate of the People with the functions of human rights ombudsman, empowered to protect the human rights of women and children including in the family, is welcomed.

Paragraph 319

Legislation on the marriage age for women and men should be brought into full conformity with the Convention, taking into consideration general recommendation 21. The State Party should also consider how women's rights, including with regard to alimony and child custody, can be protected following dissolution of domestic partnerships.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at para. 56.

Steps should be taken to bring discriminatory legislative provisions in the Code of the Person and the Family and the Penal Code into line with the Convention. The review of provisions that predicate

PROTECTION OF THE FAMILY - GENERAL

differential ages of marriage for women (article 88 of the Code of the Person and the Family), indicate that the man is head of the household (article 122 of the Code of the Person and the Family) and establish discriminatory provisions with regard to adultery (article 3 of the Penal Code), is recommended.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 126, 139 and 140.

Paragraph 126

The efforts made to appraise laws for discrimination against women are commended. The ongoing efforts to bring the law on family relations into harmony with the Convention through the adoption of a new Family Law are particularly welcomed.

Paragraph 139

Family laws that discriminate against women and the high divorce rates are of concern, as they have an adverse impact on women and children.

Paragraph 140

The Government is urged to enforce the new family law, which tries to address the problem of gender discrimination, and to continue its efforts to reform all areas of family law so as to protect the human rights of women.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 330 and 331.

Paragraph 330

It is of concern that the Egyptian nationality law prevents an Egyptian woman from passing on her nationality to her children if her husband is not Egyptian, while Egyptian men married to non-Egyptians may do so. The hardship faced by the children of Egyptian women married to non-Egyptian men, including financial hardship with regard to education, is of particular concern. This limitation on the rights of women is inconsistent with the Convention.

Paragraph 331

The legislation governing nationality should be revised in order to make it consistent with the provisions of the Convention.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 73, 74, 79 and 80.

Paragraph 73

Deep concern is expressed regarding the reservations to articles 2, 9, 11, paragraph 1, and 16 of the

PROTECTION OF THE FAMILY - GENERAL

Convention.

Paragraph 74

Recognizing that the pluralistic nature of Singapore society and its history call for sensitivity to the cultural and religious values of different communities, nevertheless it is necessary to clarify the fact that articles 2 and 16 are the very essence of obligations under the Convention. Since some reforms have already been introduced in Muslim personal law, this process of reform should be continued in consultation with members of different ethnic and religious groups, including women. Reforms in other countries with similar legal traditions should be studied with a view to reviewing and reforming personal laws so that they conform with the Convention, and to withdrawing these reservations.

Paragraph 79

While the importance of the family as the basic social unit is recognized, concern is expressed that the concept of Asian values regarding the family, including that of the husband having the legal status of head of household, might be interpreted so as to perpetuate stereotyped gender roles in the family and reinforce discrimination against women.

Paragraph 80

The Government is urged to ensure that laws, policies and programmes with regard to the family incorporate the principle of equality between women and men in all spheres, including the family, and the full realization of women's human rights.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 170 and 171.

Paragraph 170

It is of concern that stereotypical attitudes and behavioural patterns owing to cultural beliefs about the roles of women and men in the family and in society persist.

Paragraph 171

Awareness-raising campaigns should be implemented in order to change stereotypical and discriminatory attitudes concerning the roles of women and girls, including specific programmes targeting boys and men.

CAT

- China, CAT, A/55/44 (2000) 24 at para. 122.

Concern is expressed about reports of coercive and violent measures resorted to by some local

PROTECTION OF THE FAMILY - GENERAL

officials in implementing the population policy of the State party, contrary to the relevant provisions of the Convention.

CRC

- Russian Federation, CRC, CRC/C/16 (1993) 21 at paras. 78 and 86.

Paragraph 78

The serious problems of family life in the Russian Federation are considered to be of priority concern. Of particular concern is the tendency towards the breakdown of family culture as regards abandoned children, abortion, the divorce rate, the number of adoptions, the number of children born out of wedlock and recovery of maintenance obligations.

Paragraph 86

Greater efforts should be made to provide family life education, to organize discussions on the role of the family in society and to develop awareness of the equal responsibilities of parents.

- Belarus, CRC, CRC/C/24 (1994) 24 at para. 118.

It is hoped that the State party will become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, as well as the 1980 Convention on the Civil Aspects of International Child Abduction. Equally, the early adoption of the Family and Marriage Law is recommended and appropriate measures should be undertaken to address the serious problems of family breakdown in the State party.

- Norway, CRC, CRC/C/29 (1994) 27 at paras. 163, 164 and 177.

Paragraph 163

Concerning the right of a child to know his or her origins, the possible contradiction between this provision of the Convention with the policy of the State party in relation to artificial insemination, namely in keeping the identity of sperm donors secret, is noted.

Paragraph 164

Some aspects of the practical application of the law and policy concerning children seeking asylum, particularly in relation to methods of interviewing children, including unaccompanied minors, are of concern. Of further concern is that the police may not be instructed to delay the expulsion of some members of the family in order to ensure that the whole family remains together and that undue strain

PROTECTION OF THE FAMILY - GENERAL

on the children is avoided.

Paragraph 177

The State party should consider undertaking another comprehensive review of the policy in relation to children seeking asylum in the light of the principles and provisions of the Convention. In this connection, it is suggested that solutions should also be sought to avoid expulsions causing the separation of families.

- Denmark, CRC, CRC/C/38 (1995) 30 at paras. 181 and 182.

Paragraph 181

The high percentage of single parent families and the need for special programmes and services to provide the necessary care for children from such families is noted.

Paragraph 182

The application of the law and policy concerning children seeking asylum, particularly with regard to methods of interviewing children, including unaccompanied minors, and to ensuring that applications for the purpose of family reunification are dealt with in a positive, humane and expeditious manners, is of concern.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 62.

More comprehensive and coordinated campaigns should be organized in order to address the interrelated family and social-related problems of: the high number of family separations, the relatively high maternal mortality rate and teenage pregnancies, the number of children who are victims of violence or abuse, and the rising number of children living or begging on the street who are at risk of sexual exploitation.

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 81 and 92.

Paragraph 81

It is regrettable that the principles of non-discrimination, of the best interests of the child and of the respect for the views of the child have not always been given adequate weight by administrative bodies dealing with the situation of refugee or immigrant children. Of particular concern are the measures used to deprive children of their liberty for security or other related purposes and the insufficient measures aimed at family reunification with a view to ensuring that it is dealt with in a positive, humane and expeditious manner. The delays in dealing with reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in

PROTECTION OF THE FAMILY - GENERAL

Canada as well as cases where refugee or immigrant children born in Canada may be separated from their parents facing a deportation order are also regrettable.

Paragraph 92

Every feasible measure should be taken to facilitate and speed up the reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada. Solutions should also be sought to avoid expulsions causing the separation of families.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 105.

Concern is expressed over the fact that children belonging to disadvantaged groups appear more likely to be placed in care. In this regard, the importance of the family in the upbringing of a child is recalled and the view that the separation of a child from his or her family must take the child's best interest as a primary consideration is emphasized.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at paras. 167 and 168.

Paragraph 167

To avoid the abandonment of children by mothers working abroad, the State party should engage in dialogue with receiving countries to ensure an international agreement that permits migrant workers to take their children abroad. Ratification of the International Convention on the Rights of all Migrant Workers and Members of Their Families should be considered.

Paragraph 168

To combat institutionalization and abandonment of children born out of wedlock, an adequate alternative family care system that responds to the national culture and customs should be established. The authorities are encouraged to give full support to mothers of children born out of wedlock wishing to keep their child.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 57, 59 and 72.

Paragraph 57

The high rate of abandonment of children, especially newborn babies, and the lack of a comprehensive strategy to assist vulnerable families is worrisome. This situation can lead to illegal intercountry adoption or other forms of trafficking and sale of children. In this context, the absence of any law prohibiting the sale and trafficking of children, and the fact that the right of the child to have his/her identity preserved is not guaranteed by the law, are also matters of concern.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 59

The absence of a programme involving social work is of concern. In particular, concern is expressed at the situation of the institutionalization as well as the treatment and protection of handicapped children. Alternatives to institutionalization are not sufficiently taken into account; support services to parents who keep their handicapped child at home are inadequate.

Paragraph 72

In view of the high rate of abandonment of children and of abortion, a strategy and policy to assist vulnerable families for the support of their children should be adopted. The adequacy of the current social security system and of the family planning programmes should be evaluated. The training of social workers with the aim of mobilizing and strengthening communities is also recommended.

- Germany, CRC, CRC/C/46 (1995) 15 at para. 111.

The issue of asylum-seeking and refugee children deserves further study with a view to its reform. Such initiatives should reflect, *inter alia*, on the procedures, especially as they affect children 16 to 18, which govern the expulsion of children to third safe countries, family reunification and "airport regulation."

- Yemen, CRC, CRC/C/50 (1996) 9 at para. 41.

The State party should pay special attention to enhancing the role of the family in the promotion of children's rights, and in this regard, the importance of the status of women in family and social life is stressed. The importance of developing family counselling services, both in urban and rural areas is recognized.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 98 and 112.

Paragraph 98

Attention is drawn to the constraints that are reported to be hampering the reunification of unaccompanied refugee children with their families and the extent to which the rights of these children, most of whom are living in institutions, are being guaranteed and protected.

Paragraph 112

There appears to be a need for more pre-marriage counselling and family-life education programmes, including as a means to prevent family breakdown.

PROTECTION OF THE FAMILY - GENERAL

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 141.

The best interest of the child to spend time in his/her family environment may be infringed by the long working hours of parents. Sufficient measures have not been taken to prevent children from being alone at home during their parents' working hours. In this connection, the insufficient availability of places in nursery schools is of concern.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 162, 164 and 176.

Paragraph 162

Insufficient assistance is provided for families to assume their responsibilities in the protection of children's rights.

Paragraph 164

The insufficient measures taken to ensure that adoption is authorized by the competent authorities, on the basis of all pertinent and reliable information and of the informed consent of all persons concerned, including the child, as well as the high rate of inter-country adoption are of concern. With regard to child abuse and domestic violence, the lack of preventive policies and of adequate reporting mechanisms is a concern. Abandonment of children, the high rate of child headed families and the persistence of corporal punishment, widely envisaged by parents and teachers as an educational measure, are other subjects of concern.

Paragraph 176

The State party is encouraged to adopt further measures to provide assistance for the family to ensure its responsibilities in the upbringing and development of the child, in particular in the light of articles 18 and 27 of the Convention. Special attention should be paid to the prevention of child abandonment, as well as to the prevention of, and appropriate assistance to, child-headed families.

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 185 and 198.

Paragraph 185

The efforts to bring domestic law and practice into line with the principles and provisions of the Convention are noted with satisfaction, including the enactment of legislation on the family and on the protection of children against all types of abuse.

Paragraph 198

That children might be removed from their families because of their health status or the difficult economic situation faced by their parents is a concern.

PROTECTION OF THE FAMILY - GENERAL

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at paras. 150 and 152.

Paragraph 150

Further measures need to be taken to address the issue of illegal immigrant children from China, especially with respect to the difficulties arising from families split between Hong Kong and China. In the light of the best interests of the child, action should be taken on an urgent basis to reduce the waiting period for family reunification, to raise the quota of permits and to consider other measures to deal with the problems that will arise in the future.

Paragraph 152

The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day-care centres in the community, including as a measure to prevent children being left unattended at home. The Committee also encourages the initiative undertaken to ensure within the future reviews of the Family Life Education Programme and an assessment of its effectiveness in preventing abuse.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 116.

The insufficient legal protection and the lack of adequate procedures for refugee children, especially unaccompanied minors, are of concern. Family reunification is also a matter of concern.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 154 and 174.

Paragraph 154

The impact of years of internal conflict, which has generated important instability in several regions of the country and resulted in situations where families have been forcibly relocated or displaced, or encouraged to cross borders to seek for protection as refugees, is of concern. The rights of most children involved in those population movements have not been properly addressed and safeguarded.

Paragraph 174

Occurrences of forced relocation, displacement and other types of involuntary population movements which deeply affect families and the rights of children should be prevented. The central tracing agency should be reinforced to favour family reunification.

- New Zealand, CRC, CRC/C/62 (1997) 38 at para. 241.

A study on the projected needs of single-parent families should be made in light of the increasing

PROTECTION OF THE FAMILY - GENERAL

number of single-parent families, and steps should be taken to supplement those measures already in place to avoid potential negative consequences for these children and their parents in the future.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at paras. 302 and 304.

Paragraph 302

New and creative policies and programmes should be considered to adequately support vulnerable families, particularly those living in poverty or single-parent families. The status of families accommodating refugee or displaced children should be regularized.

Paragraph 304

With the view to facilitating family reunification, the authorities should set up a central agency to trace unaccompanied children. Appropriate measures should also be taken to protect the rights of orphans and abandoned children.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 72.

All appropriate measures, including legal ones, should be taken to ensure that children maintain contact with both parents in case of divorce or separation, as well as to ensure the recovery of maintenance for the child.

- Australia, CRC, CRC/C/69 (1997) 16 at para. 112.

Legislation and policy reform should be introduced to guarantee that children of asylum seekers and refugees are reunified with their parents in a speedy manner. No child should be deprived of his/her citizenship on any ground, regardless of the status of his/her parent(s).

- Czech Republic, CRC, CRC/C/69 (1997) 28 at para. 191.

Adequate measures, including awareness-raising campaigns and the provision of support services to needy families, should be taken in order to prevent the abandonment of children and to protect poor single mothers from child traffickers.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 98.

The appropriate measures should be taken to establish, as far as possible, procedures for the inclusion

PROTECTION OF THE FAMILY - GENERAL

of the name of the father on the birth certificates of children born of unmarried parents.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 78.

The unresolved family reunification cases are of concern.

- Japan, CRC, CRC/C/79 (1998) 25 at para. 164.

The number of institutionalized children and the insufficient structure established to provide alternatives to a family environment for children in need of special support, care and protection are matters of concern.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 232.

The enactment of the State party's Family Law should be accelerated. Research and studies on the negative impact of family disruption on children should be undertaken. Furthermore, counselling services for parents should be improved.

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 51.

The lack of specific provisions in domestic legislation concerning the rights of asylum seeking and refugee children and the right to family reunification is of concern. Appropriate measures should be taken to adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) could be requested in this regard.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 141.

The potential for stigmatization of a woman or couple who decide to keep a child born out of wedlock, and the impact of this stigmatization on the enjoyment by such children of their rights are matters of concern. All appropriate measures should be undertaken to create an adequate framework that would facilitate the choice of a woman or couple to whom a child is born out of wedlock to keep and raise the child.

- Austria, CRC, CRC/C/84 (1999) 7 at para. 47.

PROTECTION OF THE FAMILY - GENERAL

Promotion of the conclusion of bilateral agreements with States that are not parties to the 1980 European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the 1980 Hague Convention on the Civil Aspects of International Child Abduction is encouraged. Maximum assistance should be provided through diplomatic and consular channels, in order to solve cases of illicit transfer and non-return of children arising in such States, in the best interest of the children involved.

- Belize, CRC, CRC/C/84 (1999) 12 at para. 79.

The large and increasing number of single-parent families as well as the high number of abandoned children, especially children born out of wedlock, children of poor families, and children whose parents have left the country in search of economic opportunities, are of concern. In this regard, the lack of adequate alternative care facilities and qualified personnel in this field are also of concern. Efforts should be increased in providing support, including training, for parents, especially fathers, to discourage the abandonment of children. Additional programmes should be developed to facilitate alternative care, including foster care, additional training for social and welfare workers should be provided and independent complaint and monitoring mechanisms for alternative care institutions should be established.

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 172.

Special attention should be given to enhancing the role of the family in the promotion of children's rights. The importance of the status of women in family and social life is stressed.

- Barbados, CRC, CRC/C/87 (1999) 9 at para. 51.

It is of concern that the efforts to provide permanence and stability for children in care may, on occasion, lead to a premature decision that family reunification is no longer possible. Efforts should continue to be taken to strengthen the foster care system in those instances where efforts to provide support to families prove insufficient.

- Venezuela, CRC, CRC/C/90 (1999) 10 at paras. 49 and 51.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 49

Measures should be strengthened to promote the participation of children in the family, community, school and in other social institutions.

Paragraph 51

Specific legislation should be enacted to regulate the process of intercountry adoption to make it comply with the international obligations established in the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption.

- India, CRC, CRC/C/94 (2000) 10 at paras. 85, 93 and 94.

Paragraph 85

In the light of Commission on Human Rights resolution 1993/77, on forced evictions, the State party is encouraged to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. Resettlement procedures and programmes should include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.

Paragraph 93

Welcoming administrative policies which have generally been in line with international refugee law principles, the Committee is concerned that in the absence of legislation there remains no guarantee that child asylum-seekers and refugees will be ensured the protection and assistance provided by the Convention. The Committee is concerned that there exists the potential for children born of refugee parents to become stateless; that there is no adequate legal mechanism to deal with family reunification; and that although refugee children attend school on a *de facto* basis, there is no legislation which entitles these children to education.

Paragraph 94

Comprehensive legislation should be adopted to ensure adequate protection of refugee and asylum-seeking children, including in the field of physical safety, health, education and social welfare, and to facilitate family reunification.

See also:

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 168.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 165 and 166.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 165

Deep concern is expressed about the large number of children who have been deprived of a family environment through the death of, or separation from, their parents or other family. Concern is expressed that children deprived of their family environment may increasingly travel to the main towns, where they may live on the streets and be particularly vulnerable to exploitation and abuse.

Paragraph 166

The State party is urged to make every effort to strengthen family tracing programmes and to plan for the effective provision of alternative care for separated children, with particular focus on unaccompanied children living in the streets of main towns and making use of the extended family, foster care and other alternative family structures.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at paras. 254 and 255.

Paragraph 254

Concern is expressed that under the current arrangements with regard to the “three child policy”, children from families with more than three children are at a disadvantage with regard to access to social service, financial and other assistance.

Paragraph 255

In the light of article 2 of the Convention, alternative means should be found to implement the three child policy, other than excluding the fourth child from social service benefits, and it should be ensured that all children have equal access to such assistance without discrimination.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 390.

That domestic legislation does not fully reflect the principles and provisions of the Convention is a concern. It is noted with concern that the Family Court Act has been rescinded and that insufficient efforts have been made to introduce adequate alternative measures to protect and strengthen family relations. It is recommended that the State party take all necessary measures to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations.

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 435 and 448.

Paragraph 435

PROTECTION OF THE FAMILY - GENERAL

The increasing number of single-parent and child-headed families and the impact (both financial and psychological) on children are noted with concern. The insufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. The State party is encouraged to increase its efforts in developing family education and awareness through, *inter alia*, providing support, including training for parents, especially single parents, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. All necessary measures should be taken to reduce and prevent the increasing number of child-headed households and to introduce adequate support mechanisms for existing child-headed families. The State party should undertake a study on the situation of single parent, polygamous and child-headed families with a view to assessing the impact on children.

Paragraph 448

The absence of formal legislative and administrative measures to ensure family reunification and to guarantee the right of access to education and health for refugee children are a concern. A legislative and administrative framework should be developed to guarantee and facilitate family reunification. Additionally, it is recommended that the State party implement policies and programmes to guarantee adequate access to all social services for refugee and asylum-seeking children.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 46, 47, 60 and 71.

Paragraph 46

Concern is expressed that the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration in all actions concerning children, including in matters relating to family law (e.g. duration of custody under articles 1169 and 1170 of the Civil Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

Paragraph 47

The State party should review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein.

Paragraph 60

In light of articles 19 and 39 of the Convention, the Committee is concerned that legislation provides for corporal punishment within the family, under Note 2 of article 49 and article 59 of the Islamic Penal Law and article 1179 of the Civil Code.

Paragraph 71

It is recommended that the State party: ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; set up a central system of registration and monitoring of refugees in order to provide accurate statistics, and clarify the status of refugees; adopt special measures to deal with unaccompanied children; entertain requests for family

PROTECTION OF THE FAMILY - GENERAL

reunification in view of its impact on the possibility of resettlement in third countries of asylum; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families, particularly Afghan refugees, to support themselves.

See also:

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 202.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 131 and 139.

Paragraph 131

Measures should be taken to facilitate family reunification and to establish an efficient refugee status determination procedure for unaccompanied minors.

Paragraph 139

Mechanisms should be established to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care, rehabilitation services for physical, sexual, and substance abuse, protection from police brutality, services for reconciliation with their families and education, including vocational and life-skills training. The State party should cooperate and coordinate its efforts in this regard with civil society.

See also:

- India, CRC, CRC/C/94 (2000) 10 at para. 87.
- Jordan, CRC, CRC/C/97 (2000) 31 at para. 198.
- Comoros, CRC, CRC/C/100 (2000) 110 at para. 637.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 239-242.

Paragraph 239

Concern is expressed that the best interests of the child, and in particular, child rights with regard to separation from parents, are not fully respected in the context of maintaining contact with parents serving prison sentences. Despite the State party's positive efforts, concern is expressed that when decisions to deport foreigners convicted of a criminal offence are taken, professional opinions on the impact of such decisions upon the children of the deported persons are not systematically referred to and taken into consideration.

Paragraph 240

PROTECTION OF THE FAMILY - GENERAL

Application of family contact rules for imprisoned persons should be flexible so as to ensure that a child maintains personal relations and direct contact with an imprisoned parent, where this is in the best interests of the child. The process through which deportation decisions are made should be reviewed to ensure that, where deportation will mean the separation of a child from his or her parent, the best interests of the child are taken into consideration.

Paragraph 241

While supporting the State party's very positive approach to family reunification of non-Norwegian children, the significant domestic measures providing for family reunification are not applied to their full extent. In particular, concern is expressed that children are not always able to take advantage of these provisions either because they have not been informed of the possibilities for family reunification because of procedural delays, or because procedures are not systematic.

Paragraph 242

A standard procedure should be established through which children and other concerned persons such as their parents or legal guardians are informed of the possibilities and procedures for family reunification and these procedures should be implemented systematically in accordance with set guidelines.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 302 and 303.

Paragraph 302

The large number of children, especially children with disabilities, who are abandoned or who are otherwise deprived of a family environment is of concern. Further, concern is expressed that foster care or other forms of family-based alternative care are not sufficiently developed and available; that as a result children are placed in institutions which, owing to a lack of resources, provide children with very low-quality housing and care; and that the location and features of institutions do not facilitate family contact. The absence of effective mechanisms for children to communicate their concerns and complaints about their placement is a concern. In light of article 25 of the Convention, concern is expressed at the inadequate system to review placement, monitoring, or follow-up of the situation of children in institutions.

Paragraph 303

All effective measures should be taken, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, the family should be promoted as the best environment for the child through counselling and community-based programmes to assist parents to keep children at home. Moreover, the State party should take all effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a last resort. The State party should undertake a comprehensive review of conditions in institutions; take all necessary measures to

PROTECTION OF THE FAMILY - GENERAL

improve infrastructure; and ensure that children living in institutions enjoy all the rights laid down in the Convention, in accordance with article 2. Existing policies and practices should be reviewed to ensure that children in institutions can maintain links with their families. The State party should provide support and training for personnel in institutions, including social workers. Effective mechanisms should be established to receive and address complaints from children in care, monitor standards of care, and establish regular periodic review of placement.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 367, 368 and 387.

Paragraph 367

Concern is expressed that children tend to be placed in child welfare centres or children's homes rather than in foster care or adopted; at the lack of regulations for the operation of such centres; and at the increasing number of orphans owing to the HIV/AIDS epidemic and the limited measures available to cope with this situation.

Paragraph 368

Effective measures should be undertaken to promote, through counselling and community-based programmes, the family as the best environment for the child and to empower parents to take care of their children in order to avoid placement in child welfare centres.

Paragraph 387

It is recommended that the State party take the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards, and to develop a family reunification procedure to assist refugee children who might be separated from their families.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 497 and 498.

Paragraph 497

The increasingly high number of children living in households below the poverty line is noted with concern. Concern is also expressed about the poor housing situation and living standards of families who fled their homes in the interior during the civil unrest of the 1980s and are currently living in urban squatter communities. Concern is also expressed at the large and increasing number of children living and/or working on the streets.

Paragraph 498

In accordance with article 27 of the Convention, it is recommended that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and

PROTECTION OF THE FAMILY - GENERAL

guarantee the right of children to an adequate standard of living. The State party should establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, including vocational and life-skills training. It is recommended that the State party cooperate and coordinate its efforts with civil society in this regard.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 545 and 559.

Paragraph 545

The State party should make every effort to provide special protection and assistance for children deprived of a family environment, in accordance with the provisions of article 20 of the Convention, including through the development of a foster care system as well as by providing additional places in existing institutions. An appropriate inspection mechanism should be established to monitor the placement of children in institutions or in alternative care. It is recommended that the State party increase its efforts to provide support for families and single parents to discourage the abandonment of children.

Paragraph 559

In light of the provisions of articles 2, 10, 24 and 28 of the Convention, it is recommended that the State party develop an appropriate legislative and administrative framework to facilitate family reunification and adequate access to all social services and to schools for refugee children outside the camps.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 53, 54, 57, 58, 61 and 62.

Paragraph 53

Concern is expressed that the views of children, in particular those below 12 years of age, are not always taken into full consideration, especially in child custody cases and access disputes taken to court.

Paragraph 54

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

PROTECTION OF THE FAMILY - GENERAL

Paragraph 57

Serious concern is expressed about the decrease in the net income of families with children caused by both high unemployment rates and budgetary measures that negatively affect child-related allowances.

Paragraph 58

Taking into account recent improvements in the economy of the State party, more funds should be allocated to families with children and effective measures should be developed to provide those families with appropriate support in order to avoid, among other things, the placement of children in foster care or institutions.

Paragraph 61

The Act on the Integration of Immigrants and Reception of Asylum-seekers of 1999 is noted. This introduces some reforms in the way unaccompanied children seeking asylum are received. Concern is expressed at the fact that the process of family reunification is still very long and that this could have a negative impact on the children involved.

Paragraph 62

The State party is encouraged to examine the reasons for the delays in the procedures for processing asylum applications and for the settlement of children, with a view to shortening them.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 131, 132, 152 and 153.

Paragraph 131

Deep concern is expressed at the breakdown in nuclear family structures, at the emergence of a high proportion of single-parent-headed households, child-headed households and grandparent-headed households, and at the immediate and long-term consequences that these weaknesses in the family structure may have on children. The strong bias in favour of fathers in the context of child custody disputes is also a concern.

Paragraph 132

Noting the efforts already made in this regard, the State party is encouraged to continue and strengthen support to families, including through assistance with agricultural production and legal and financial assistance in obtaining adequate housing and land and counselling to help resolve problems. The State party is urged to give particular attention to the establishment of psycho-social and parental guidance programmes to strengthen vulnerable family units such as single-parent-, child- and grandparent-headed households. It should be ensured that in granting one parent custody of a child, the decision is made in accordance with the best interests of the child, with the child's participation and with consideration for the emotional needs of the child.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 152

Deep concern is expressed at the very large numbers of persons who have become refugees or internally displaced within the country and at the situation of those displaced children who are unaccompanied. The Committee is disturbed in particular by the massive numbers of people who have been forcibly regrouped within the country and by the very poor, sometimes life-threatening conditions in displaced and regrouped persons camps, and the poor health and education services available to camp populations. It is noted that the State party has publicly promised to end the regroupment policy, but has failed to do so. It is also noted that efforts to trace the families of unaccompanied children have had limited success.

Paragraph 153

The State party is urged to make every effort to protect the civilian population from displacement and to implement its plans to end regroupment, giving particular attention to the situation of unaccompanied children and the need for effective family tracing. The State party is urged to ensure that all displaced children and their families, including those who have been regrouped, have access to essential health and education services and to consider the need for continued access to such services during the often slow process of return to communities of origin. Assistance should be provided to returning children and their families in re-establishing themselves in their homes. In addition, the State party is urged to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 362-364.

Paragraph 362

Deep concern remains about the large numbers of children who have been deprived of a family environment as a consequence of abandonment by, the death of, or separation from their parents. In this regard, concern is expressed, *inter alia*, at reports regarding difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods and the predominance of the use of placement in institutions over the development of alternative care measures.

Paragraph 363

It is of concern that children deprived of their family environment may increasingly travel to the main cities, where they may live on the streets and be particularly vulnerable to exploitation and abuse.

Paragraph 364

The State party should develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The State party is urged to make every effort to

PROTECTION OF THE FAMILY - GENERAL

strengthen family tracing programmes and to increase its efforts in providing support, including training for parents, to discourage the abandonment of children. Adequate periodic review of the placement of children living in institutions should be ensured.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 443 and 444.

Paragraph 443

Deep concern is expressed at weaknesses in family structures and unity as a result of poverty and HIV/AIDS. The practices of early and forced marriage are a concern.

Paragraph 444

The State party should provide additional support to families in combating the effects of poverty and in compensating for the loss of earnings and other support caused by illness or death from HIV/AIDS among parents. The State party should strengthen its efforts to end the practices of early and forced marriage.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 68 and 69.

Paragraph 68

Concern is expressed at the high proportion of families, in particular those with three or more children, living at the subsistence level and families threatened with eviction because of the effect of the transition to a market economy on the social welfare system as a whole.

Paragraph 69

In light of articles 3, 4, 6, 26 and 27 of the Convention, all appropriate measures should be taken to the maximum extent of available resources, 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 Latvia.

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 90 and 91.

Paragraph 90

Concern is expressed about the reservation made by the State party to article 10(2) of the Convention as well as the State's policy regarding family reunification. These suggest that the State party has serious difficulties in dealing with applications for the purpose of family reunification in a positive, humane and expeditious manner and without adverse consequences for the applicants.

Paragraph 91

PROTECTION OF THE FAMILY - GENERAL

The State party should take the necessary legal and other measures to establish a practice in the area of family reunification in accordance with the principles and provisions of the Convention. The State party is encouraged to consider the withdrawal of its reservation to article 10(2) of the Convention.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 156-159, 186 and 187.

Paragraph 156

While recognizing the State party's ongoing poverty alleviation efforts, concern is expressed that many families are under pressure as a result of population displacement, armed conflict, drought, poverty and illness. The continuing practice of early and forced marriage of children is a concern.

Paragraph 157

The State party should strengthen and fully implement its poverty alleviation programme and develop programmes to strengthen family unity, providing assistance to displaced populations and to very poor communities in particular. Every effort should be made to ensure that provisions in the new Family Code which raise the minimum age for marriage of both girls and boys to 18 are respected in practice and that forced marriages are prevented.

Paragraph 158

In the context of population displacement caused by natural disasters or armed conflict, many children have been separated from their families, and this is of concern.

Paragraph 159

The State party should continue and strengthen its efforts to ensure family reunification. Assistance should be sought from UNICEF and the Office of the United Nations High Commissioner for Refugees in this regard.

Paragraph 186

Concern is expressed at the difficult situation faced by refugee and internally displaced children and their families in the State party, including in terms of their access to education and health services and in terms of family reunification.

Paragraph 187

The State party should continue and strengthen its efforts to provide assistance to refugee and internally displaced children and their families, including with regard to education and health services and family reunification and reinstallation.

- Egypt, CRC, CRC/C/103 (2001) 36 at para. 201.

PROTECTION OF THE FAMILY - GENERAL

Noting the universal values of equality and tolerance inherent in Islam, it is noted that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 280, 281, 289, 292 and 293.

Paragraph 280

It is of deep concern that owing to the inadequacy of social assistance and the lack of alternatives, an increasing number of children from poor families are being placed in institutions.

Paragraph 281

In light of articles 18 and 26 of the Convention, the State party should further strengthen comprehensive measures to support parents, in particular those living in rural areas, in their efforts to raise their children, for instance by increasing various forms of social assistance to families, including counselling services, or by securing day-care services and facilities.

Paragraph 289

The State party should allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas, and develop community-based programmes in order to allow children to stay at home with their families.

Paragraph 292

It is of concern that a large number of families, in particular those with three or more children, and single women with children live under the subsistence level. This problem is predominant in rural areas.

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. 345 and 346.

Paragraph 345

The reported increase in family breakdown is noted with concern. This is related to a combination of factors, including HIV/AIDS, household poverty, the retrenchment of migrant workers from South Africa and increasing unemployment. Concern is expressed that the principle of the best interests of

PROTECTION OF THE FAMILY - GENERAL

children is not respected by families or customary and civil courts in the course of family breakdown and that children in such situations are more likely to be abandoned or forced to live on the streets. Difficulties experienced by single parents, in particular single mothers, with regard to the enforcement of child maintenance payment orders and the growing number of child-headed households, linked to the spread of HIV/AIDS are matters of concern. It is noted with concern that as a result of poverty and other factors, children experiencing family breakdown do not have access to psycho-social care.

Paragraph 346

The State party should clarify, strengthen and ensure the implementation of its policies and legislation in relation to family breakdown. The enforcement of maintenance orders should be strengthened and special attention should be paid to providing families in need with adequate support, including training and the empowerment of parents, in order to prevent the abandonment of children. The State party should strengthen its support to child-headed households, particularly in the light of the spread of HIV/AIDS.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 399 and 400.

Paragraph 399

It is of concern that the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests, and is discriminatory).

Paragraph 400

Legislation and administrative measures should be reviewed to ensure that article 3 of the Convention is duly reflected therein and taken into consideration.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 456 and 457.

Paragraph 456

The breakdown of the traditional extended family structure and the increasing number of female-headed households is noted with concern, particularly in the light of the lack of a welfare support system and alternative care facilities, as well as of inadequate early child-care services. Concern is also expressed about the increasing number of children living and/or working on the streets and the lack of policies, programmes and services to provide greater protection and care for these children and to strengthen families.

Paragraph 457

The State party should undertake a needs-assessment study of female-headed households with a view

PROTECTION OF THE FAMILY - GENERAL

to ensuring adequate availability and accessibility of welfare programmes, alternative care facilities and early child-care services. A study should be undertaken to understand the scope and nature of the increasing phenomenon of children living and/or working on the streets. Mechanisms should be established to ensure that children living and/or working on the streets are provided with nutrition, clothing, housing, health and rehabilitation services, education, and vocational and life-skills training. Moreover, in the light of the weakening of the extended family structure, special attention should be paid to the strengthening of families as social units.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 511 and 512.

Paragraph 511

Deep concern remains about the weakness of family links, about the large numbers of children who have been deprived of a family environment and, in particular about reports regarding: difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods; and the predominant use of placement in institutions in preference to the development of alternative care measures (e.g., adoption and foster care).

Paragraph 512

The State party should strengthen and increase its programmes, in collaboration with relevant NGOs, to support families in need, in particular single parent families and those in socio-economic or other difficult circumstances, such as very young couples with children. Programmes should be developed to facilitate alternative care, in particular foster care, additional training should be provided for social and welfare workers, and independent complaint and monitoring mechanisms should be established for alternative care institutions.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 64 and 65.

Paragraph 64

While it is noted that financial and special assistance programmes for single parents have been established, including at the municipal level, concern remains regarding the vulnerability of children belonging to single-parent families. Concern is also expressed about the situation of children belonging to ethnic minority families.

Paragraph 65

The strengthening of programmes and initiatives in support of single parent and ethnic minority families is recommended.

PROTECTION OF THE FAMILY - GENERAL

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 130 and 144.

Paragraph 130

Measures should be undertaken to ensure that the situation of children with disabilities is adequately monitored in order to assess effectively their needs. The necessary resources should be allocated for programmes and facilities for all children with disabilities, especially those living in rural areas, and community-based programmes should be developed to enable these children to stay at home with their families.

Paragraph 144

Children living in the streets should be provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

See also:

- Guatemala, CRC, CRC/C/108 (2001) 47 at para. 282.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at para. 381.

All appropriate measures should be taken to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation, as well as judicial and administrative decisions and in projects, programmes and services which have an impact on children, especially those relating to marriage, custody, maintenance and inheritance rights.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 460 and 461.

Paragraph 460

It is of concern that as a result of events following the census in the late 1980s, there may be children in southern Bhutan who are separated from their parents, or whose parents are residing abroad as refugees.

Paragraph 461

The State party should ensure that family reunification is dealt with in a positive, humane and expeditious manner, in accordance with article 10 of the Convention.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 511 and 512.

PROTECTION OF THE FAMILY - GENERAL

Paragraph 511

The lack of rules concerning *in vitro*-fertilization and respect for a child's right to know his or her identity is a matter of concern.

Paragraph 512

The State party should consider ways to ensure respect of a child's right to know his or her parents' identities, as far as possible.